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FINAL FINDING OF SUITABILITY TO TRANSFER (FOST) FOR PARCELS 3, 21, 38, 39, AND PORTIONS OF 40 (PUBLIC DOCUMENT)

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NAVFAC - SOUTHWEST DIVISION

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FINDING OF SUITABILITY TO TRANSFER PARCELS 3, 21, 38, 39, AND PORTIONS OF 40 MARINE CORPS AIR STATION TUSTIN, CALIFORNIA

August 2001

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ACRONYMS/ABBREVIATIONS

ACM	asbestos-containing material
AHERA	Asbestos Hazard Emergency Response Act
AOC	area of concern
AST	aboveground storage tank
BCP	BRAC Cleanup Plan
BCT	BRAC Cleanup Team
BNI	Bechtel National, Inc.
BRAC	base realignment and closure
CEC	California Education Code
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
DDD	dichlorodiphenyldichloroethane
DDE	dichlorodiphenyldichloroethene
DDT	dichlorodiphenyltrichloroethane
DoD	(United States) Department of Defense
DON	(United States) Department of the Navy
DTSC	(California Environmental Protection Agency) Department of Toxic Substances Control
EBS	environmental baseline survey
EIR	environmental impact report
EIS	environmental impact statement
FAD	friable, accessible, and damaged
FFSRA	Federal Facility Site Remediation Agreement
FOST	finding of suitability to transfer
IRP	Installation Restoration Program
IRWD	Irvine Ranch Water District
JEG	Jacobs Engineering Group, Inc.
LBP	lead-based paint
MCAS	Marine Corps Air Station
NEPA	National Environmental Policy Act
NFA	no further action

PCB	polychlorinated biphenyl
pCi/L	picocuries per liter
PEA	preliminary endangerment assessment
ppm	parts per million
PWC	(Navy) Public Works Center
RCRA	Resource Conservation and Recovery Act
RI	remedial investigation
ROD	record of decision
RWQCB	Regional Water Quality Control Board
SWDIV	Southwest Division Naval Facilities Engineering Command
U.S. EPA	United States Environmental Protection Agency
UST	underground storage tank

FINDING OF SUITABILITY TO TRANSFER
PARCELS 3, 21, 38, 39 AND PORTIONS OF 40
MARINE CORPS AIR STATION TUSTIN, CALIFORNIA

1.0 PURPOSE

The purpose of this Finding of Suitability to Transfer (FOST) is to document the conclusion that real property made available through the base realignment and closure (BRAC) process is environmentally suitable to transfer by deed under Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Parcels 3, 21, 38, 39, and portions of 40 at Marine Corps Air Station (MCAS) Tustin are proposed for transfer.

This FOST is based on the Final Basewide Environmental Baseline Survey (EBS) for MCAS Tustin (BNI 2001) as well as information contained in documents listed in Attachment 1. These documents include the MCAS Tustin Business Plan (DON 2001a), which provides updated information through 31 December 2000 and schedules for planned environmental activities at the base. Tables and figures in this FOST represent conditions as of 31 July 2001. Parcel designations match those presented in the EBS and are consistent with those presented in the final MCAS Tustin Specific Plan/Reuse Plan Errata (Reuse Plan) (City of Tustin 1998).

This FOST was prepared in accordance with United States Department of Defense (DoD) guidance documents, including DoD Guidance on the Environmental Review Process to Reach a Finding of Suitability to Transfer for Property Where Release or Disposal Has Occurred (DoD 1994a). The MCAS Tustin environmental documents are available from the information repository located within the government document section of the main library of the University of California at Irvine.

2.0 PROPERTY DESCRIPTION

MCAS Tustin is located in southern California near the center of Orange County (Figure 1). The installation is located in a residential and light industrial/manufacturing area approximately 40 miles south of downtown Los Angeles and approximately 100 miles north of the California/Mexico border. It encompasses approximately 1,600 acres of land. Most of the base is located within the city of Tustin; approximately 95 acres in the southern portion of the base are within the city of Irvine. The base is bordered by the cities of Tustin, Irvine, and Santa Ana.

MCAS Tustin was commissioned in 1942 as a United States Department of the Navy (DON) lighter-than-air base. The installation was used to support observation blimps and personnel conducting antisubmarine patrols off the coast of southern California during World War II. In 1949, the base was officially decommissioned as an active facility because of the diminished need for blimp patrols. However, in 1951, the base was reactivated to support helicopter operations for the Korean conflict and was renamed "MCAS (Helicopter) Santa Ana." In 1978, the installation name was changed to "MCAS (H) Tustin" to reflect its annexation by the city of Tustin. In 1986, the installation was renamed "MCAS Tustin."

MCAS Tustin was operationally closed on 02 July 1999 in accordance with the Defense Base Closure and Realignment Act of 1990. Currently, the majority of the buildings are unoccupied, and the primary activities at MCAS Tustin are maintenance and environmental cleanup.

The locations of Parcels 3, 21, 38, 39, and portions of 40 are depicted on Figure 2. Parcel descriptions are included in Sections 2.1 through 2.5. Buildings and structures located within the transfer parcels are shown on Figures 3 and 4. Table 1 presents information on the buildings and structures within these parcels.

2.1 Parcel 3

Parcel 3 (Figure 3) consists of about 6 acres located along the western boundary of MCAS Tustin within the city of Tustin. The parcel is bordered by Parcel 1 to the north and south, Landsdowne Road to the east, and Parcel 40 to the west.

One active well (MAW-3) is partially located within Parcel 3 (Figure 5) and is also located within Parcel 40 (See Section 2.5). The Irvine Ranch Water District (IRWD) owns this well and has an easement for access established in 1989. The well is enclosed in a shed also owned by IRWD and designated as Building 10E. This well was recommended (to the regulatory agencies) for removal from consideration as an AOC based on the past and current use of the site. The regulators concurred with the recommendation for removing the well from consideration as an AOC (Table 2). The IRWD easement and ownership of the active well and associated shed will remain in effect after the property has been transferred. One former underground storage tank (UST) site (UST-10A) is located within Parcel 3 (Figure 6) and has received no further action (NFA) concurrence from the Regional Water Quality Control Board (RWQCB), Santa Ana Region, lead agency for UST closures in the state (Table 2). Closure sampling results did not identify any evidence of a release at the site.

Three buildings/structures (553, 554, and 557) are located within the boundaries of Parcel 3 and were constructed in 1991 (Table 1). Buildings 553 and 554 were previously used as bachelor enlisted quarters and are three-story buildings, approximately 41,000 square feet each. Building 557, a mechanical utilities building for Buildings 553 and 554, is a vacant, single-story building with an area of approximately 400 square feet. Building 557 will continue to house utilities to support Buildings 553 and 554 after transfer. Building 10E, located outside the MCAS Tustin fenceline, is owned by IRWD and will remain the property of IRWD after transfer.

It is anticipated that Parcel 3 will be transferred for emergency housing needs. The city of Tustin currently has a lease for similar use of Parcel 3. Buildings 553 and 554 are planned to be converted to support transitional housing after transfer of the property. The lease will be terminated upon property conveyance.

2.2 Parcel 21

Parcel 21 (Figure 3) consists of about 10 acres in the northwestern corner of MCAS Tustin within the city of Tustin. The parcel is bordered by city of Tustin industrial areas to the north; Parcel 22 to the east; Parcels 20, 22, and 40 to the south; and Parcel 40 to the west.

No AOC or UST was identified in Parcel 21. Two background groundwater monitoring wells, BMW04S and BMW04D, are located within the parcel boundaries. Access to the monitoring wells, used for quarterly water-level measurements, will be required after property transfer (Figure 8).

Three buildings (A, B, and C) are currently located within the boundaries of Parcel 21 (Figure 3). Buildings A and B, constructed in 1946, were formerly commanding officers' quarters and executive officers' quarters, respectively. They are approximately 2,800 and 2,200 square feet in area, respectively (Table 1). Building C, constructed in 1946, was used as VIP quarters and is approximately 972 square feet in area. Buildings A, B, and C are currently vacant and are planned for demolition after transfer.

It is anticipated that Parcel 21 will be transferred to become a new elementary school site (kindergarten through sixth grade).

2.3 Parcel 38

Parcel 38 (Figure 4) consists of about 9 acres in the southeastern corner of MCAS Tustin within the city of Irvine. The parcel is bordered to the east by Harvard Avenue, to the south by Parcel 39, and to the north and west by Parcel 37. Parcel 38 was historically used for agricultural purposes since at least 1939 (GeoRemediation 1992). In 1988, DON acquired land from The Irvine Company, which included the area that is now designated as Parcel 38 as well as a portion of Parcel 39, for development of a family housing project (JEG 1994). Since that time, the parcels have not been farmed, and pesticides and herbicides have not been applied to the property (BNI 2001). Development of these areas was not implemented because base closure was scheduled. In the interim, Osumi Farms periodically plowed the property to control the weeds (BNI 1997a).

With the exception of Building 3003T (Figure 4), a former guard shack located along the northern boundary, Parcel 38 is currently vacant land. Building 3003T, constructed in 1992, is approximately 25 square feet in area and is planned for demolition after transfer. No AOC or UST was identified in Parcel 38. Two groundwater monitoring wells (A000SB60D2 and A000SB61S) are located within Parcel 38. These wells were previously used in the MCAS Tustin groundwater monitoring program but are no longer part of the network. These wells have been recommended for decommissioning in the draft 2000 Annual Groundwater Monitoring Report. Decommissioning of these wells will be conducted prior to transfer.

It is anticipated that Parcel 38 will be transferred for use as a neighborhood park. The neighborhood park plans include facilities for childcare programs.

2.4 Parcel 39

Parcel 39 (Figure 4) consists of about 20 acres in the southern portion of MCAS Tustin within the city of Irvine. The parcel is bordered to the northeast by Parcel 38, to the northwest by Parcel 37, to the east by Harvard Avenue, to the south by Barranca Parkway, and to the west by Peters Canyon Channel. This parcel has historically been used for agricultural purposes since at least 1939 (GeoRemediation 1992). In 1988 and 1991, DON acquired land from The Irvine Company and the county of Orange,

respectively, that included the area that is now designated as Parcel 39 for development of a family housing project (JEG 1994). Since that time, the parcel has not been farmed, and pesticides and herbicides have not been applied to the property (BNI 2001). Development of the property was not implemented due to the scheduled base closure. In the interim, Osumi Farms periodically plowed the property to control the weeds (BNI 1997a).

No building/structure is located on Parcel 39. One AOC (AD-05) was located within the parcel boundaries (Figure 5). This AOC received regulatory concurrence for NFA (Table 2).

It is anticipated that Parcel 39 will be transferred to become a new elementary school site (kindergarten through eighth grade).

2.5 Parcel 40

The portions of Parcel 40 (circulation facilities) included in this FOST consist of about 1.0 acres and are located on the west side of Parcels 3 and 21 and on the east side of Redhill Drive (Figure 3). These portions of Parcel 40 are located in the northwestern corner of MCAS Tustin within the city of Tustin and are presently undeveloped grass-covered areas.

An AOC identified as MAW-03 is an active well and is contained within a corrugated metal shed (designated as Building 10E). Both the well and shed are owned by IRWD who have an easement (established in 1989) for access to the active well. The well was recommended (to the regulatory agencies) for removal from consideration as an AOC based on the past and current use of the site. The regulators concurred with the recommendation for removing the well from consideration as an AOC (Table 2). The IRWD easement and ownership of the active well and associated shed will remain in effect after the property has been transferred.

It is anticipated that these portions of Parcel 40 will be transferred for development/ improvement of transportation/circulation facilities.

3.0 REGULATORY COORDINATION

The environmental restoration and compliance programs at MCAS Tustin have been defined and are being implemented pursuant to the following regulatory mechanisms:

- CERCLA, as amended by the Superfund Amendments and Reauthorization Act and the Community Environmental Response Facilitation Act
- Resource Conservation and Recovery Act (RCRA)
- National Environmental Policy Act (NEPA)
- California Environmental Quality Act (CEQA)
- Petroleum Corrective Action Program
- California Health and Safety Code

MCAS Tustin is not a Superfund site and is not listed on the National Priorities List. A Federal Facility Site Remediation Agreement (FFSRA) between DON and the California

Environmental Protection Agency Department of Toxic Substances Control (DTSC) was signed for MCAS Tustin on 18 August 1999. The FFSRA defines DON's corrective action and response action obligations under RCRA and CERCLA. Since 1993, the BRAC Cleanup Team (BCT) has coordinated cleanup and closure activities at MCAS Tustin. The BCT consists of representatives from DON, the United States Environmental Protection Agency (U.S. EPA), the Santa Ana Regional Water Quality Control Board, and DTSC. These agencies reviewed and commented on the required documents included in Attachment 1. DON is the lead federal agency regarding environmental restoration at MCAS Tustin, and DTSC is the lead regulatory agency providing oversight.

The BRAC Cleanup Plan (BCP) Guidebook (DoD 1996) provides the BCT with direction to classify base property into one of seven area types in order to facilitate and support reuse and transfer (Table 3). The area types are ranked in order of their suitability to transfer, with Area Types 1 through 4 being suitable for transfer by deed and Area Types 5 and 6 being defined as unsuitable for transfer by deed until all remedial actions have been completed or after the remedy has been demonstrated to be operating properly and successfully. Areas classified as Area Type 7 either are not evaluated or require further evaluation in order to classify them into one of the other area types.

4.0 NATIONAL ENVIRONMENTAL POLICY ACT COMPLIANCE

Potential environmental impacts pertaining to the disposal and reuse of MCAS Tustin were addressed in the final Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) (DON 1999) and were disclosed to agencies and the public for comment and review in compliance with the requirements of NEPA and CEQA. The EIS/EIR was prepared through the joint effort of DON (EIS) and the city of Tustin (EIR). A NEPA Record of Decision (ROD) was prepared by DON to document the selected proposed alternative for reuse at each of the parcels discussed in the EIS/EIR. The NEPA ROD was published on 2 March 2001 (DON 2001b).

5.0 ENVIRONMENTAL FINDINGS

A Basewide EBS was prepared for MCAS Tustin to describe environmental investigation and closure activities at the base to support reuse (BNI 2001). The Basewide EBS summarizes environmental conditions at the facility and includes information concerning Installation Restoration Program (IRP) sites, AOCs, USTs, and aboveground storage tanks (ASTs). Information concerning polychlorinated biphenyls (PCBs), asbestos-containing material (ACM), and lead-based paint (LBP) surveys conducted at the facility is also included in the Basewide EBS. The BCT Business Plan (DON 2001a) provides updated information through 31 December 2000 and schedules for planned environmental activities at MCAS Tustin.

Two AOCs sites and one UST site were identified within the parcels to be transferred (Table 2). No ASTs were identified on the parcels to be transferred. Figures 5 and 6, respectively, show the locations of the AOCs sites and former UST site within the transfer parcels. AOC and UST site descriptions are provided in Table 2. IRP sites, AOCs, USTs, and ASTs on adjacent parcels were also evaluated in conjunction with this FOST, and it was concluded that contamination from adjacent parcels (e.g., groundwater plumes) does not affect the transfer parcels.

All of the AOCs and UST sites on the transfer parcels are designated as Area Type 1 (Table 2). All AOCs have received regulatory concurrence for NFA or were removed from the AOC list. The one UST has received concurrence for NFA from the RWQCB, the lead agency on UST site closures. Concurrence signature pages from the regulatory agencies for the AOCs and UST sites are included in Attachment 2.

Environmental factors considered for the six parcels included in this FOST are listed in Table 4. Only those factors that require notification or restriction are discussed in this document.

6.0 USE RESTRICTIONS AND NOTIFICATIONS

The environmental documents listed in Attachment 1 (References) were evaluated to identify environmental factors that may warrant constraints on certain activities in order to assure that the intended use of the FOST parcels is consistent with protection of human health and the environment. In addition, the environmental factors associated with parcels being transferred for ultimate use as a school site were considered. The factors that require notifications and/or restrictions are discussed below. See Table 4 for a list of environmental factors considered. Table 5 summarizes the notifications and restrictions for the parcels.

6.1 Notification – Pesticides

Approximately 674 acres of MCAS Tustin are designated for agricultural use or are maintained for weed control, of which about 392 acres were farmed (BNI 2001). Farming was conducted within the base boundary prior to commissioning of the base in 1942 and has continued through December 2000. Parcels 38 and 39 were historically used for agricultural purposes before the property was acquired by DON in 1988 and 1991 for a planned family housing project (JEG 1994). Since that time, the parcels have not been farmed, and pesticides and herbicides have not been applied to the property by DON (BNI 2001). However, a Preliminary Endangerment Assessment (PEA) conducted for Parcels 38 and 39 (previously designated as Parcel C) indicated that pesticides and herbicides were likely used on the property for agricultural purposes by the previous landowners (GeoRemediation 1992), but the quantities and types of chemicals used on the area were unknown. Therefore, extensive sampling was conducted in the agricultural areas in 1992 to determine whether the concentrations of residual pesticides and metals in soils represent a threat to human health or the environment.

The PEA included soil and groundwater sampling in Parcels 38 and 39 and a health risk assessment for soil contaminants detected at concentrations exceeding screening values. These contaminants included the pesticides dichlorodiphenyltrichloroethane (DDT), dichlorodiphenyldichloroethene (DDE), and dichlorodiphenyldichloroethane (DDD). The risk assessment assumed residential land use and exposure to adults and children by soil ingestion, soil contact, and inhalation of soil particles. The risk assessment results indicated, on the basis of a residential-use scenario, that there was no significant environmental or human-health threat from the pesticides for these parcels (GeoRemediation 1992).

Additionally, groundwater sample results presented in the draft final Remedial Investigation (RI) Report for Operable Units 1 and 2 (BNI 1997b) did not indicate the presence of pesticides in groundwater beneath Parcels 38 and 39. While selenium was detected in groundwater during the RI at concentrations exceeding the PEA screening levels, an analysis of background metals in groundwater performed during the RI indicated that detected concentrations of selenium in groundwater were not the result of base operations.

Although pesticides were reportedly applied to transfer Parcels 38 and 39 prior to DON ownership in 1988 and 1991, the PEA sampling and risk assessment conducted in 1992 indicated that the property was suitable for unrestricted, residential use. DTSC provided concurrence on the findings in the PEA for the area containing Parcels 38 and 39 and the concurrence letter is provided in Attachment 2. Based on the conclusions from the PEA report and the RI, Parcels 38 and 39 do not require any restrictions for pesticides. At the time of transfer, DON will provide the transferee with copies of the PEA report and pertinent sections of the RI report.

6.2 Notification – Polychlorinated Biphenyls

An inventory of PCB items and equipment at MCAS Tustin was conducted in 1992 (Kennedy/Jenks Consultants 1992). Twenty-two items were identified as possibly containing PCB insulation fluid. With the exception of one item located off-base, these items were all replaced, or tested and found not to contain PCB fluids or insulation.

Fluorescent light fixtures were not included in the PCB items and equipment inventory. However, based on the date of construction, buildings in Parcel 21 could potentially contain light ballasts which may contain PCB. Fluorescent light ballasts manufactured before 1979 often contain PCB small capacitors that may be disposed of as municipal solid waste. No action is required at the buildings unless large quantities of PCB-containing fluorescent light ballasts are removed. According to DON guidance on disposal of fluorescent light ballasts containing PCBs (DON 1989), large quantities of PCB small capacitors generated from fluorescent light ballasts, such as when the fixtures in a large office or an entire building are replaced, should be disposed of as regulated PCB equipment.

Fluorescent light ballasts that contain PCBs have approximately 1.0 to 1.5 ounces of PCB fluid in each capacitor. For this given quantity, there would be approximately 3.1 to 4.7 pounds of PCB fluid for every 50 PCB small capacitors in fluorescent light ballasts. If the transferee plans to dispose fluorescent light ballasts containing more than 3 pounds of PCB fluid, the PCB small capacitors in those light ballasts should be processed as regulated items.

In 1996, a PCB transformer survey was conducted at MCAS Tustin (PWC 1996a). Per DON policy, transformers containing PCBs at concentrations exceeding 50 parts per million (ppm) were replaced. Transformers with PCB concentrations less than 50 ppm are classified by federal standards as non-PCB transformers. Three transformers are located within Parcel 3. One transformer was previously located on Parcel 21 and the survey results indicated PCBs at a concentration of 71 ppm. Since the PCB concentration in the transformer was above 50 ppm, the transformer was replaced (SWDIV 1998). The remaining transformers currently located within the boundaries of the transfer parcels

contain PCBs at maximum concentrations equal to or less than 2 ppm, and no additional action concerning transformers is required by DON before transfer.

6.3 Notification – Radon

DoD policy is to assure that any available and relevant radon assessment data pertaining to BRAC property being leased or transferred will be included in property lease/transfer documents. There is currently no federal requirement to perform any additional radon assessment or mitigation in federal buildings prior to transfer, including those to be transferred to the public or private sector (DoD 1994b).

A radon survey was conducted at a representative number of housing units and non-residential buildings at MCAS Tustin in 1991. The results indicated that none of the facilities or housing units contained levels of radon above 4 picocuries per liter (pCi/L). According to U.S. EPA guidance, radon at levels of 4 pCi/L or less are considered "low risk," and no mitigation is required (Bufton 1991). Additional radon testing or mitigation, therefore, was not required.

6.4 Notifications and Restrictions – Asbestos-Containing Material

DoD policy with regard to asbestos-containing material (ACM) is to manage ACM in a manner protective of human health and the environment, and to comply with all applicable federal, state, and local laws and regulations governing ACM hazards. Therefore, unless it is determined by competent authority that the ACM in the property poses a threat to human health at the time of transfer, all property containing ACM will be conveyed, leased or otherwise disposed of as is through the BRAC process (DoD 1994b). ACM is considered to be a threat to human health if it is located within the interior of a building, and it is friable, accessible and damaged (FAD). A graphical representation of this policy and the decision-making process is presented as Figure 7.

Prior to property disposal, all available information on the existence, extent, and condition of ACM shall be incorporated into the Basewide EBS report or other appropriate document to be provided to the transferee. The survey report or document shall include:

- Reasonably available information on the type, location, and condition of asbestos in any building or improvement on the property;
- Any results of testing for asbestos;
- A description of any asbestos control measures taken for the property;
- Any available information on costs or time necessary to remove all or any portion of the remaining ACM; however, special studies or tests to obtain this material are not required; and
- Results of a site-specific FAD ACM survey performed to revalidate the condition of the ACM.

The DON is not required to conduct a FAD ACM survey when the building is scheduled for demolition, including situations where an interim use has been identified prior to demolition. Furthermore, a FAD ACM survey is not required if ACM has never been identified in the interior of a building during any previous asbestos survey, or if an

asbestos survey conducted after 1996 found no damaged ACM and there is no reason to suspect any damaged ACM is present. The 1996 date was established to be consistent with the Asbestos Hazard Emergency Response Act (AHERA), which calls for a re-inspection to assess the physical condition (i.e., good or damaged) of ACM at least once every three years. Since base closure occurred in 1999, any qualified inspection performed in 1997 or later meets the intent of these regulations.

Asbestos-containing material shall be remedied prior to property disposal only if it is of a type and condition that is not in compliance with applicable laws, regulations, and standards, or if it poses a threat to human health at the time of transfer of the property (i.e., FAD ACM). This remediation should be accomplished by the DON or by the transferee under a negotiated requirement of the property transfer. Use of such buildings must be restricted until abatement has been completed.

The remediation discussed above will not be required when the buildings are scheduled for demolition by the transferee; the transfer document prohibits occupation of the buildings prior to the demolition; and the transferee assumes responsibility for the management of any ACM in accordance with applicable laws. Buildings which are to be demolished may be occupied on an interim basis if the transferee conducts the necessary ACM surveys and abatement according to all local, state, and federal requirements.

The following summarizes notifications and restrictions due to ACM present in buildings located within the transfer parcels.

6.4.1 NOTIFICATIONS

Five ACM surveys conducted at MCAS Tustin included buildings in the transfer parcels, and the survey results were presented in reports dated December 1991, January 1996, and December 2000 (Ecology and Environment, Inc. 1991, PWC 1996b, BNI 2000, respectively). The December 2000 survey was limited to FAD ACM. Results from these surveys are summarized below and in Table 6. To assure full disclosure of all ACM on the FOST parcels, copies of the ACM survey reports will be included in the transfer documentation.

Buildings Planned for Demolition

Building A was built in 1946 and is located in Parcel 21. The 1996 asbestos survey reported only non-friable exterior ACM (roofing tar).

Building B was built in 1946 and is located in Parcel 21. The 1996 asbestos survey reported both non-friable ACM (floor tile) and friable ACM (pipe insulation). The friable ACM was reported to be in good condition.

Building C was built in 1946 and is located in Parcel 21. The 1991 and 1996 asbestos surveys reported both non-friable ACM (carpet mastic or backing, roofing, linoleum) and friable ACM (spray-on insulation). The friable ACM was reported to be in good condition.

Building 3003T was built in 1992 and is located in Parcel 38. Building 3003T has never been surveyed.

Buildings Planned for Reuse

Buildings 553, 554, and 557 were built in 1991 and are located in Parcel 3. These buildings had never been inspected for asbestos during the operational life of the base. Since these buildings were specified as being reused, the DON conducted a FAD ACM survey pursuant to DoD policy. The limited survey to identify FAD ACM was conducted in Buildings 553, 554, and 557 in October 2000 (BNI 2000). No FAD ACM was identified in any of the buildings.

6.4.2 RESTRICTIONS

Buildings B and C– Since the ACM surveys for Buildings B and C were conducted prior to 1997, the physical condition of the interior friable ACM as stated in the existing reports may no longer be accurate. Nevertheless, since the buildings are not designated for reuse, the DON is not obligated to conduct any additional surveys. In accordance with policy, these two buildings will be restricted from occupancy, and the transfer document will indicate that the transferee assumes responsibility for the management of ACM in accordance with applicable laws. These buildings may be occupied on an interim basis if the transferee conducts the necessary ACM surveys and abatement according to all local, state, and federal requirements.

Building 3003T – Since no ACM survey has ever been conducted on this building, this building will be restricted from occupancy, and the transfer document will indicate that the transferee assumes responsibility for the management of ACM in accordance with applicable laws. Since the building is not designated for reuse, the DON is not obligated to conduct an asbestos survey. This building may be occupied on an interim basis if the transferee conducts the necessary ACM surveys and abatement according to all local, state, and federal requirements.

Buildings A – Since no interior ACM was observed in Building A and the building is not designated for reuse, this building may be transferred without restrictions for occupancy due to ACM. However, the transferee must still assume responsibility for the management of ACM, if any.

Buildings 553, 554 and 557 – Since no FAD ACM was found in Buildings 553, 554 and 557, these buildings may be transferred without restrictions for occupancy due to ACM. However, the transferee must still assume responsibility for the management of ACM, if any.

6.5 Notifications and Restrictions – Lead-Based Paint

The following text provides information on lead-based paint (LBP) evaluations for these parcels including the requirements for surveys, notification of survey results, and restrictions based on identified or potential LBP hazards prior to transfer of property.

Residential Buildings

DoD policy for residential buildings is contained in the joint U.S. EPA/DoD interim final Lead–Based Paint Guidelines for Disposal of Department of Defense Residential Real Property (DoD 1999). The requirements in this document are principally from Title X, the Residential Lead-Based Paint Hazard Reduction Act, which includes the implementing regulations under TSCA Section 403 and HUD Section 1012/1013. Title

X applies to "target housing" which is housing constructed before 1978, except for homes designated for elderly or disabled persons and/or dwellings in which living areas are not separated from the sleeping area (e.g., barracks). Title X requires that federally-owned residential real property scheduled for transfer conduct:

- Inspection, risk assessment, and abatement of lead-based paint hazards (lead-based paint, soil, and dust) in target housing constructed prior to 1960.
- Inspections and risk assessments for target housing constructed between 1960 and 1978.

DoD policy includes additional requirements that go beyond the Title X statutory requirements related to LBP including:

- Soil lead hazards surrounding target housing constructed between 1960 and 1978 will be abated by DON or will be abated by the transferee as part of the transfer agreement.
- For child-occupied facilities (i.e., day care centers, preschools) located on residential real property that will be reused as child occupied facilities after transfer, DON will evaluate for lead-based paint hazards.
- The soil adjacent to target housing scheduled for demolition and planned for redevelopment after transfer will be evaluated for soil-lead hazards by the transferee after demolition of the existing target housing units. The transferee will conduct abatement of soil-lead hazards identified in the evaluation prior to occupancy of the new housing units.

Prior to transferring the property, the DON is required to document survey results by disclosing any known LBP and/or LBP hazards in the Basewide EBS and referencing the evaluation results in the FOST and transfer document for the residential buildings. If hazards exist at the time of transfer, the transfer document will prohibit occupancy of housing units until the buildings are demolished.

Buildings that are scheduled for demolition may be occupied on an interim basis if the transferee conducts the necessary LBP surveys and abatement in accordance with all local, state, and federal requirements.

Non-Residential Buildings

In order to address the risk of adverse health effects to children from LBP exposure, legislation and national policy regarding LBP has focused on residential areas and child-occupied facilities where children under the age of 6 may be present. Non-residential buildings (e.g., warehouses and office buildings) are typically occupied by adults with minimal exposure to children. DON will not conduct sampling at non-residential buildings prior to transfer. Any evaluation and abatement of LBP at non-residential buildings will be the responsibility of the transferee.

Non-residential buildings scheduled for demolition will require post-demolition soil sampling and abatement of any soil-lead hazards by the transferee prior to occupation of any new buildings. Buildings which are scheduled for demolition may be occupied on an interim basis if the transferee conducts the necessary LBP surveys and abatement in accordance with all local, state, and federal requirements.

Information pertaining to LBP at non-residential buildings, if any, will be provided to the transferee with the transfer documents. Notification of potential LBP at non-residential

buildings where surveys were not conducted will be based solely on the age of construction (i.e., constructed before 1978).

6.5.1 NOTIFICATIONS

Two separate LBP surveys were conducted at MCAS Tustin within the parcels to be transferred, and the survey results are presented in reports dated January 1996 and February 2001 (PWC 1996 and CDM 2001, respectively). The 1996 survey consisted of an evaluation of lead-based paint, dust, and soil hazards at Buildings A and B in Parcel 21. The sampling activities for the 2001 LBP survey report were conducted in August 2000 and consisted of sampling for potential soil-lead hazards at Buildings A, B, and C in Parcel 21. Results of these surveys are summarized below and in Table 7. Non-residential buildings within the parcels of the FOST have not been surveyed. To assure full disclosure of identified LBP hazards within the parcels, copies of the LBP survey reports will be part of the transfer documents.

Residential Buildings

Building A was built in 1946, is located in Parcel 21, and is scheduled for demolition after transfer. The 1996 LBP survey report results indicate that there are LBP hazards at several locations within and on the exterior of the building. The survey conducted in August 2000 had a lead-in-soil result at the dripline (along the perimeter of the house) above 200 ppm. Consequently, the Navy conducted a hazard analysis using DTSC's Lead Spread 7.0 model using the survey results. Based on the results of the hazard analysis, no further action is required for soil under the condition that restrictions be placed on the property (CDM 2001).

Building B was built in 1946, is located in Parcel 21, and is scheduled for demolition after transfer. The 1996 LBP survey report identified lead based paint hazards at several locations within and on the exterior of the building. The lead-in-soil result from the 2000 LBP survey at the dripline was less than 100 ppm. For the 2001 LBP survey report, the Navy conducted a hazard analysis using DTSC's Lead Spread 7.0 model using the survey results. Based on the results of the hazard analysis no further action is required for soil under the condition that restrictions be placed on the property (CDM 2001).

Building C was built in 1946, is located in Parcel 21, and is scheduled for demolition after transfer. The only survey conducted was the 2000 LBP survey. The lead-soil result from the 2000 LBP survey at the dripline was less than 100 ppm. For the 2001 LBP survey report, the Navy conducted a hazard analysis using DTSC's Lead Spread 7.0 model using the survey results. Based on the results of the hazard analysis, no further action is required for soil under the condition that restrictions be placed on the property (CDM 2001).

Non-Residential Buildings

Building 553 was built in 1991, is located in Parcel 3, and is scheduled for reuse. Based on the age of construction, it is unlikely that LBP was used at this building.

Building 554 was built in 1991, is located in Parcel 3, and is scheduled for reuse. Based on the age of construction, it is unlikely that LBP was used at this building.

Building 557 was built in 1991, is located in Parcel 3, and is scheduled for reuse. Based on the age of construction, it is unlikely that LBP was used at this building.

Building 3003T was built in 1992, is located in Parcel 38, and is scheduled for demolition. Based on the age of construction, it is unlikely that LBP was used at this building.

6.5.2 RESTRICTIONS

Residential Buildings

Buildings A and B – Since LBP hazards were identified during the 1995 survey and these buildings are scheduled for demolition, the transfer document will restrict the transferee from using these buildings prior to demolition. Additionally, the transfer document will require the transferee to conduct post-demolition sampling of the soil and conduct any required abatement prior to occupancy of any newly constructed buildings.

Building C – Since this building is of similar construction to Buildings A and B, the potential exists for LBP hazards. The building is also scheduled for demolition. Therefore, the transfer document will restrict the transferee from using the building prior to demolition and require the transferee to conduct post-demolition sampling of the soil and conduct any required abatement prior to occupancy of any newly constructed buildings.

Non-Residential Buildings

Buildings 553, 554, 557, and 3003T – Since these buildings were constructed after 1978, no restrictions or requirements are necessary for LBP.

6.6 Notification – School Site Considerations

Parcels 21 and 39 have been proposed in the Reuse Plan for school sites after transfer of the property. Should the subject parcels be considered for the proposed acquisition and/or construction of school properties utilizing state funding, a separate environmental review process in compliance with the California Education Code (CEC) section 17210 et.seq. will need to be conducted and approved by the Department of Toxic Substances Control (School Property Evaluation and Cleanup Division). The CEC requires that a comprehensive evaluation of natural and manmade hazardous materials be conducted for school properties. This comprehensive evaluation requires additional investigation of hazardous materials outside the scope of CERCLA hazardous substances. This additional evaluation includes: legally applied pesticides and herbicides, imported fill materials, naturally occurring hazardous substances such as heavy metals (e.g., chromium, mercury, nickel), metalloids (e.g., arsenic, selenium), gases (e.g., methane, hydrogen sulfide) and radioactive elements (e.g., radon gas) and naturally occurring petroleum deposits. The evaluation also includes asbestos containing materials and lead-based paint at concentrations that fall outside the scope of CERCLA.

DON has conducted investigations at both Parcels 21 and 39 to identify any hazardous substances and perform all necessary cleanup to protect human health and the environment. Any requirements associated with the evaluation of the proposed school site for compliance with the CEC are the responsibility of the transferee, and not DON.

6.7 Covenant – Additional Remedial Action

The deed for transfer will include a covenant of the United States, made pursuant to CERCLA Section 120(h)(3)(A)(ii)(II), warranting that any remedial action found to be necessary after the date of transfer as a result of former activities of the United States within these parcels shall be conducted by the United States. This covenant will not apply to any remedial action required on the property that is a result of an act or omission of the transferee that causes a new release of hazardous substances.

6.8 Right of Access

The deed shall reserve and the transferee shall grant to the United States an appropriate right of access to the FOST parcels, pursuant to CERCLA Section 120(h)(3)(A)(iii), to enable the United States and others to enter said parcels in any case in which remedial action or corrective action is found to be necessary on said parcels or adjacent property after the date of property transfer.

Access to background groundwater monitoring wells BMW04S and BMW04D (Parcel 21), used for quarterly water-level measurements, will also be required after property transfer (Figure 8). A summary of the monitoring activities is included in Table 8. Additionally, ownership and the existing easement for the active well (MAW-3) and associated shed located partially in Parcel 3 and partially in Parcel 40 will be maintained by IRWD after transfer to allow for continued operation and maintenance of this well.

7.0 FINDING OF SUITABILITY

Pursuant to CERCLA Section 120(h)(3)(A)(i) and provisions of 40 *Code of Federal Regulations* Part 373, the deed will contain a notice of hazardous substances stored, released, or disposed within the transfer parcels at MCAS Tustin. Since there has been no reported storage, release, or disposal of hazardous substances at Parcels 21, 38, 39, and portions of 40, there will be no Part 373 notification for these parcels. The notice for the hazardous substance stored at Parcel 3 is provided in Attachment 4. No known releases have occurred within any of the transfer parcels.

On the basis of the foregoing information and analysis, I have concluded that the requirements of CERCLA Section 120(h)(3) have been met, and I find that Parcels 3, 21, 38, 39, and portions of 40 are suitable for transfer by deed for the purposes intended, subject to the notifications and restrictions set forth in Section 6.0. The parcels can be used with acceptable risk to human health and the environment and without interference with the environmental restoration process.

Date_____

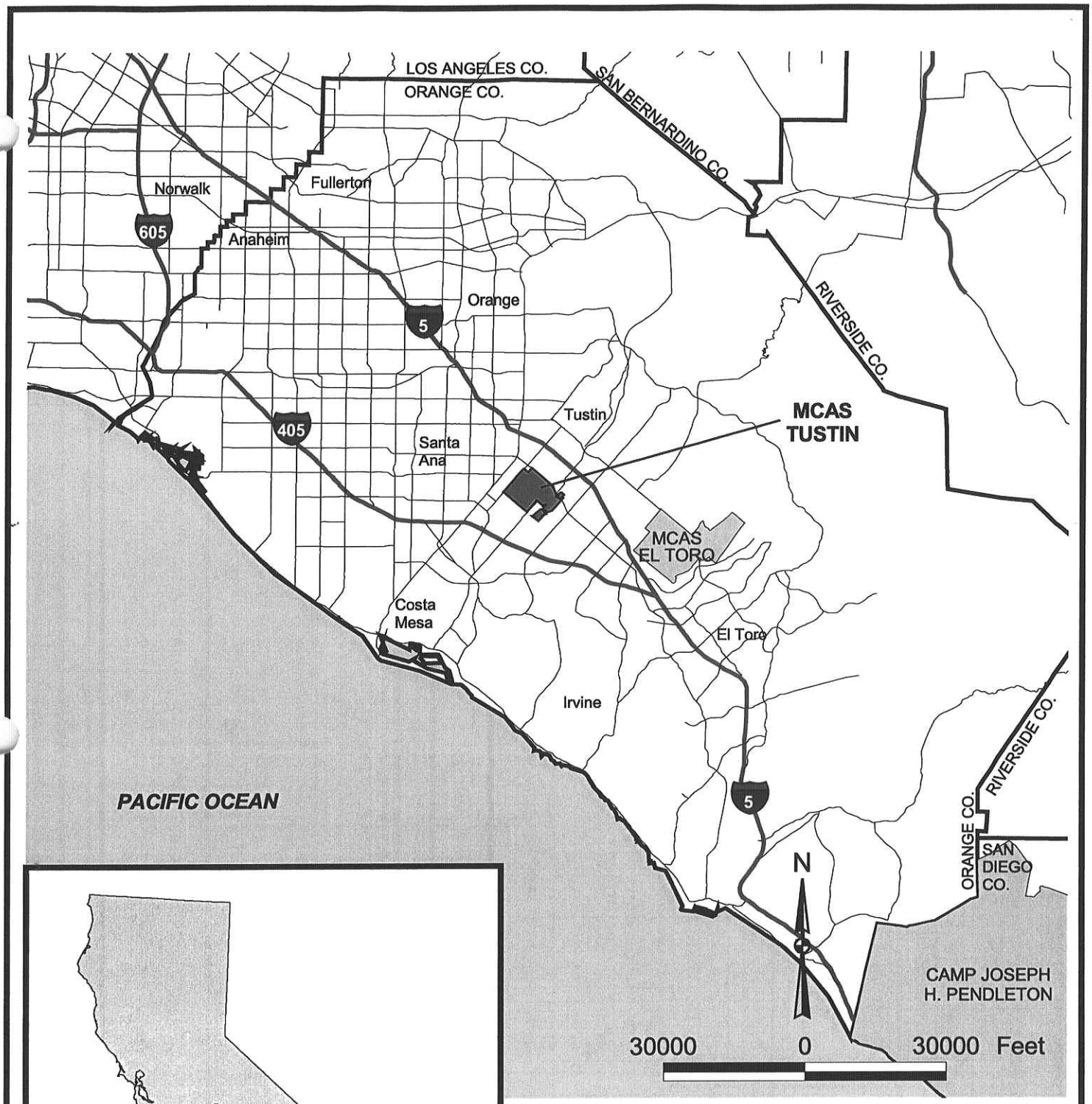
_____

G. A. ENGLE
Captain, CEC, U.S. Navy
Commander

FIGURES

FINDING OF SUITABILITY TO TRANSFER PARCELS 3, 21, 38, 39, AND PORTIONS OF 40

DATED AUGUST 2001



Finding of Suitability to Transfer

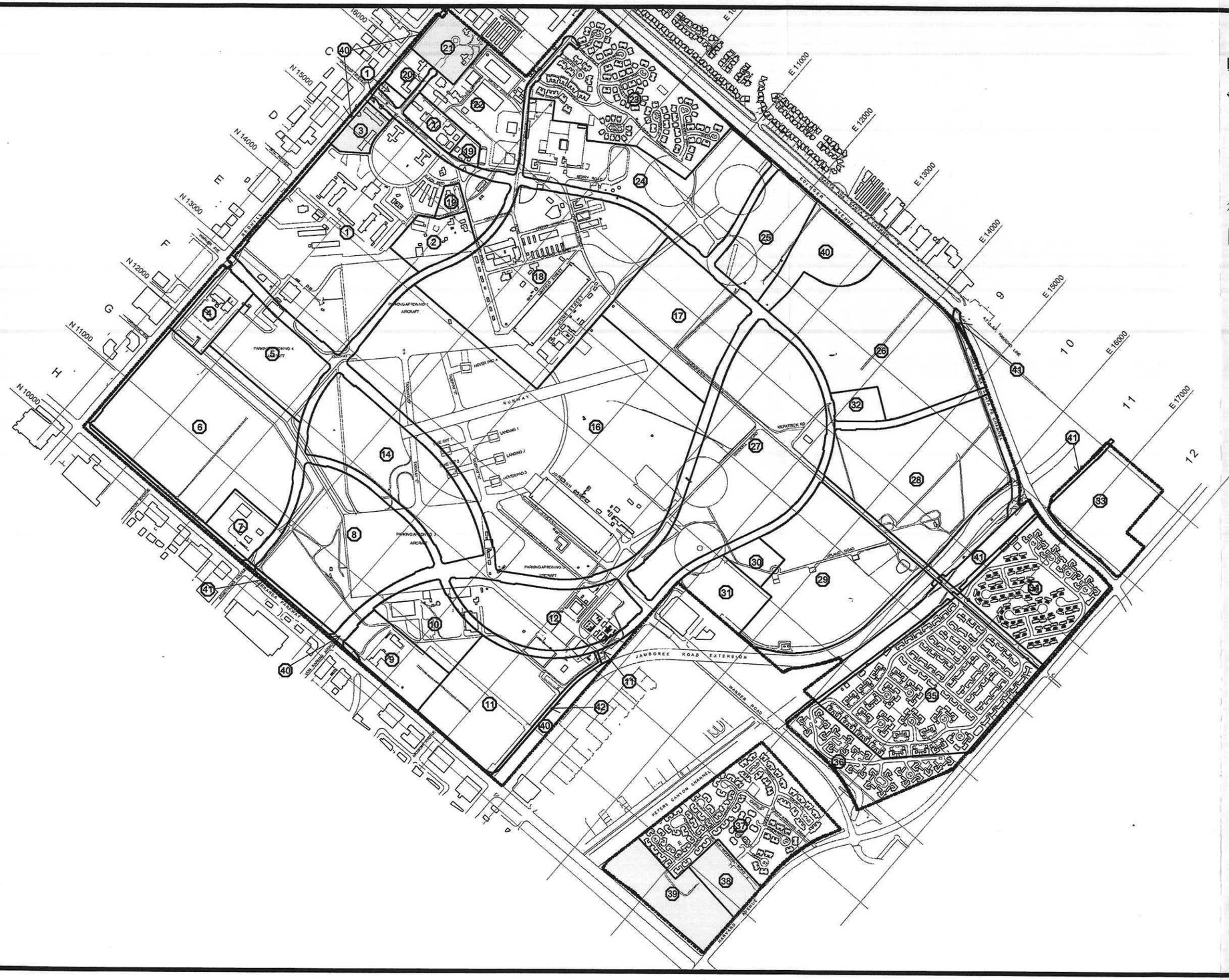
Figure 1

MCAS Tustin Vicinity Map

Marine Corps Air Station, Tustin, California

Bechtel National, Inc.
CLEAN II Program

Date: 1/22/01
File No.: 085R5581
Job No.: 22214-085
Rev No.: B



LEGEND

- GOVERNMENT PROPERTY LINE
- MCAS TUSTIN REUSE PARCELS
- PARCEL NUMBER
- BUILDING OR STRUCTURE
- EXISTING ROAD OR PAVED AREA
- BOUNDARY OF TRANSFER PARCELS (PARCELS 3, 21, 38, 39, AND PORTIONS OF 40)

NOTES:

1. ALL LOCATIONS ARE APPROXIMATE.

SOURCES:

PARCEL DESIGNATION AND FUTURE LAND REUSE ARE BASED ON MCAS TUSTIN SPECIFIC PLAN/REUSE PLAN, ERRATA (CITY OF TUSTIN 1998).

BASE MAP BASED ON AERIAL SURVEY CONDUCTED BY AIRBORNE SYSTEMS, INC. ON OCTOBER 21,1990. REVISED BY BECHTEL IN NOVEMBER 1997 TO UPDATE BASE MAP.

N

1200 0 1200 Feet

Finding of Suitability to Transfer

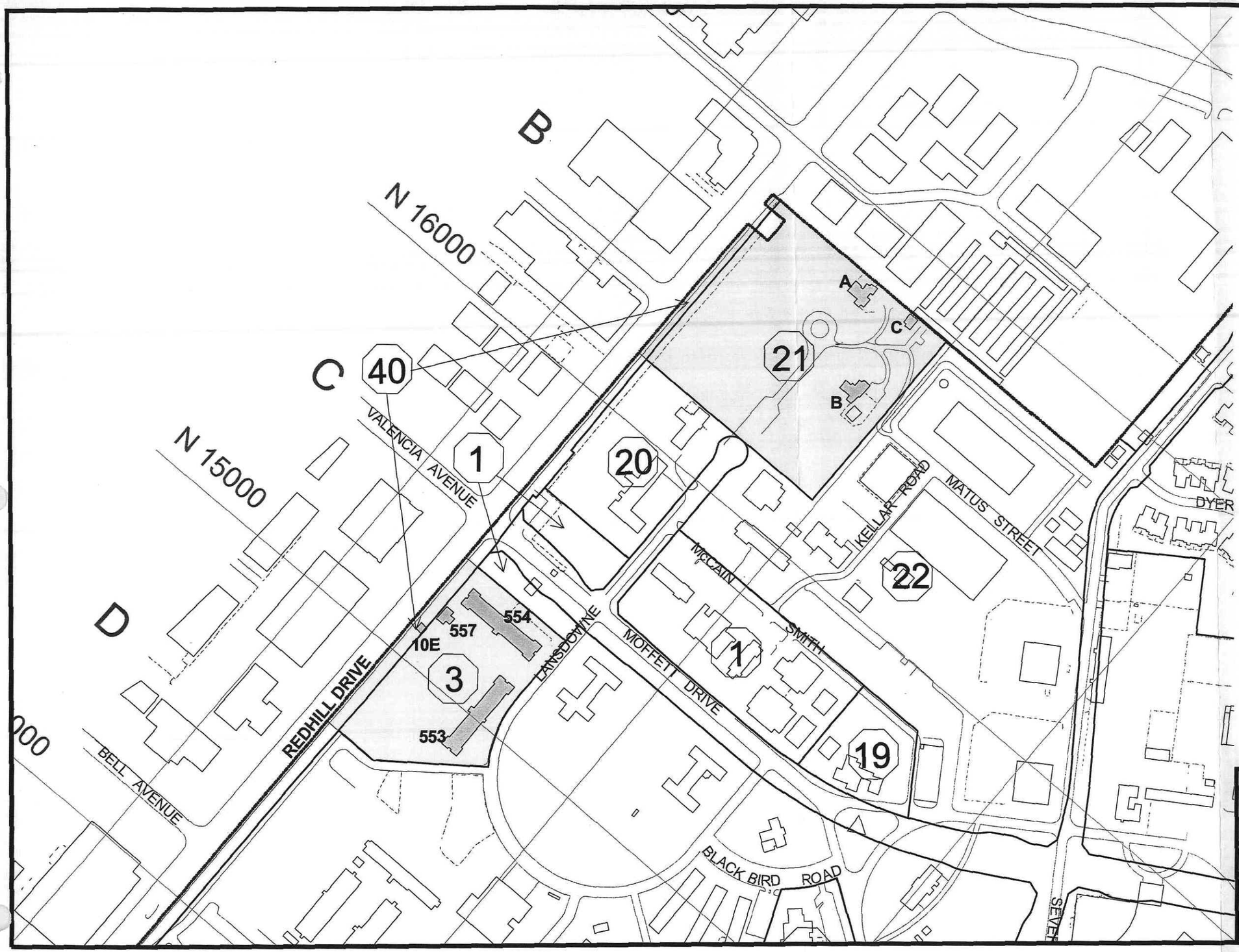
Figure 2

Transfer Property Location Map

Marine Corps Air Station, Tustin, California

Bechtel National, Inc.
CLEAN II Program

Date: 7/30/01
File No.: 085L5501
Job No.: 22214-085
Rev No.: F



LEGEND

- GOVERNMENT PROPERTY LINE
- BUILDING OR STRUCTURE WITHIN THE TRANSFER PROPERTY
- MCAS TUSTIN REUSE PARCELS
- PARCEL NUMBER (20)
- BUILDING OR STRUCTURE
- EXISTING ROAD OR PAVED AREA
- BOUNDARY OF TRANSFER PARCELS (PARCELS 3, 21, 38, 39, AND PORTIONS OF 40)

NOTE:

ALL LOCATIONS ARE APPROXIMATE.

SOURCES:

PARCEL DESIGNATION AND FUTURE LAND REUSE ARE BASED ON MCAS TUSTIN SPECIFIC PLAN/REUSE PLAN, ERRATA (CITY OF TUSTIN 1998).

BASE MAP BASED ON AERIAL SURVEY CONDUCTED BY AIRBORNE SYSTEMS, INC. ON OCTOBER 21,1990. REVISED BY BECHTEL IN NOVEMBER 1997 TO UPDATE BASE MAP.

N

300 0 300 Feet

Finding of Suitability to Transfer

Figure 3

Buildings and Structures Within Transfer Parcels 3, 21, and Portions of 40

Marine Corps Air Station, Tustin, California

Bechtel National, Inc.
CLEAN II Program

Date: 7/30/01
File No.: 085L5502
Job No.: 22214-085
Rev No.: E

LEGEND

- GOVERNMENT PROPERTY LINE
- BUILDING OR STRUCTURE WITHIN THE TRANSFER PROPERTY
- MCAS TUSTIN REUSE PARCELS
- (20) PARCEL NUMBER
- BUILDING OR STRUCTURE
- EXISTING ROAD OR PAVED AREA
- BOUNDARY OF TRANSFER PARCELS (PARCELS 3, 20, 21, 38, 39, AND PORTIONS OF 40)

NOTE:

ALL LOCATIONS ARE APPROXIMATE.

SOURCES:

PARCEL DESIGNATION AND FUTURE LAND REUSE ARE BASED ON MCAS TUSTIN SPECIFIC PLAN/REUSE PLAN, ERRATA (CITY OF TUSTIN 1998).

BASE MAP BASED ON AERIAL SURVEY CONDUCTED BY AIRBORNE SYSTEMS, INC. ON OCTOBER 21,1990. REVISED BY BECHTEL IN NOVEMBER 1997 TO UPDATE BASE MAP.

N

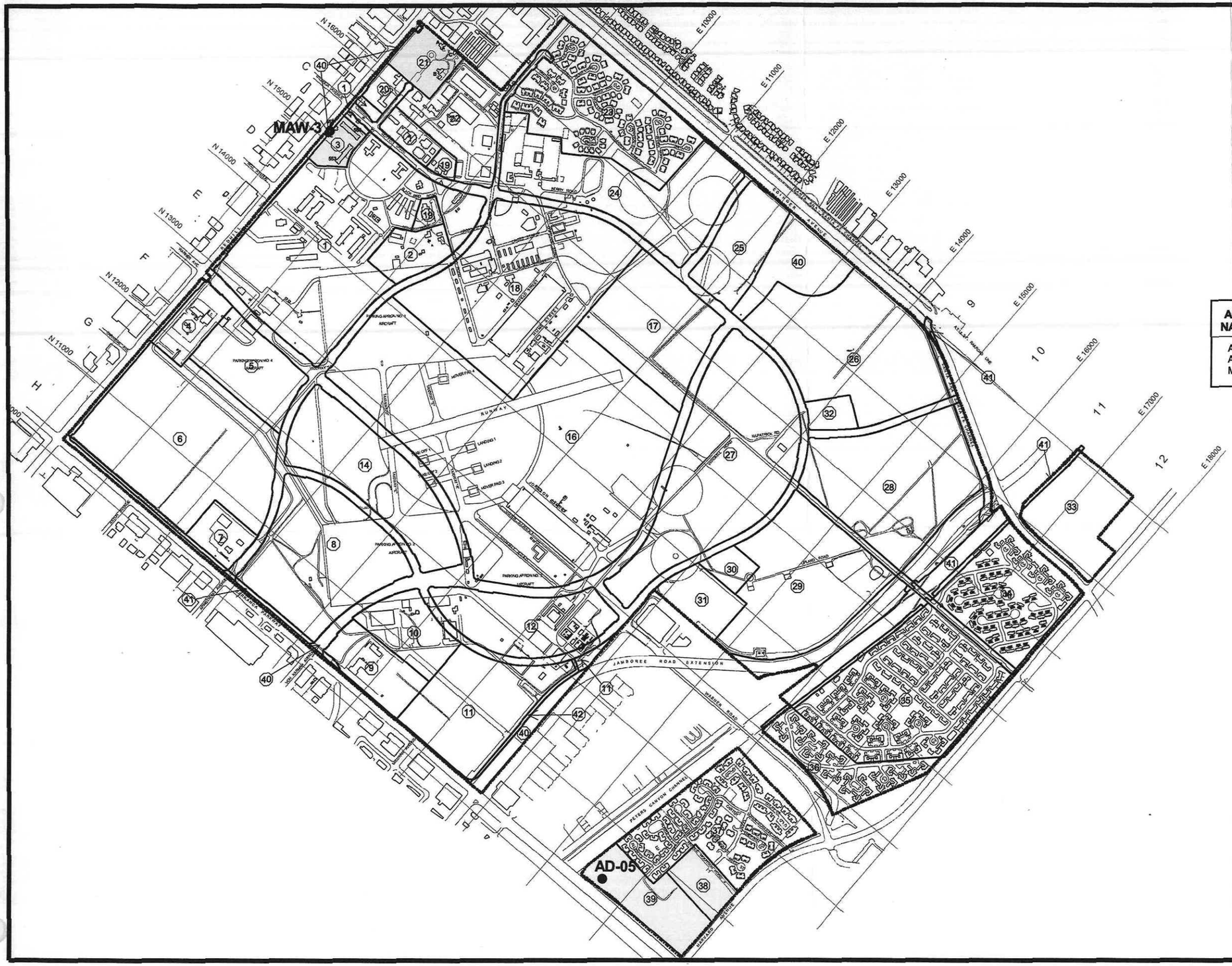
300 0 300 Feet

Finding of Suitability to Transfer
Figure 4
Buildings and Structures Within Transfer Parcels 38 and 39

Marine Corps Air Station, Tustin, California

Bechtel National, Inc.
CLEAN II Program

Date: 1/21/01
File No.: 085L5503
Job No.: 22214-085
Rev No.: D



LEGEND

- GOVERNMENT PROPERTY LINE
- BUILDING OR STRUCTURE WITHIN THE TRANSFER PROPERTY
- MCAS TUSTIN REUSE PARCELS
- PARCEL NUMBER
- BUILDING OR STRUCTURE
- EXISTING ROAD OR PAVED AREA
- BOUNDARY OF TRANSFER PARCELS (PARCELS 3, 21, 38, 39, AND PORTIONS OF 40)
- AREA OF CONCERN

AOC NAME	AOC DESCRIPTION
AD	AIR PHOTO, POSSIBLE DISPOSAL AREA
AS	AIR PHOTO, MISCELLANEOUS, POSSIBLE TEMPORARY STORAGE
MAW	MISCELLANEOUS, ABANDONED WELL (AGRICULTURAL WELL)

NOTES:

1. ALL LOCATIONS ARE APPROXIMATE.

2. AOCs AS-5 AND AD-05 HAVE RECEIVED REGULATORY CONCURRENCE FOR NO FURTHER ACTION. AOC MAW-3 IS OWNED BY THE IRVINE RANCH WATER DISTRICT.

SOURCES:

PARCEL DESIGNATION AND FUTURE LAND REUSE ARE BASED ON MCAS TUSTIN SPECIFIC PLAN/REUSE PLAN, ERRATA (CITY OF TUSTIN 1998).

BASE MAP BASED ON AERIAL SURVEY CONDUCTED BY AIRBORNE SYSTEMS, INC. ON OCTOBER 21,1990. REVISED BY BECHTEL IN NOVEMBER 1997 TO UPDATE BASE MAP.

N

1200 0 1200 Feet

Finding of Suitability to Transfer

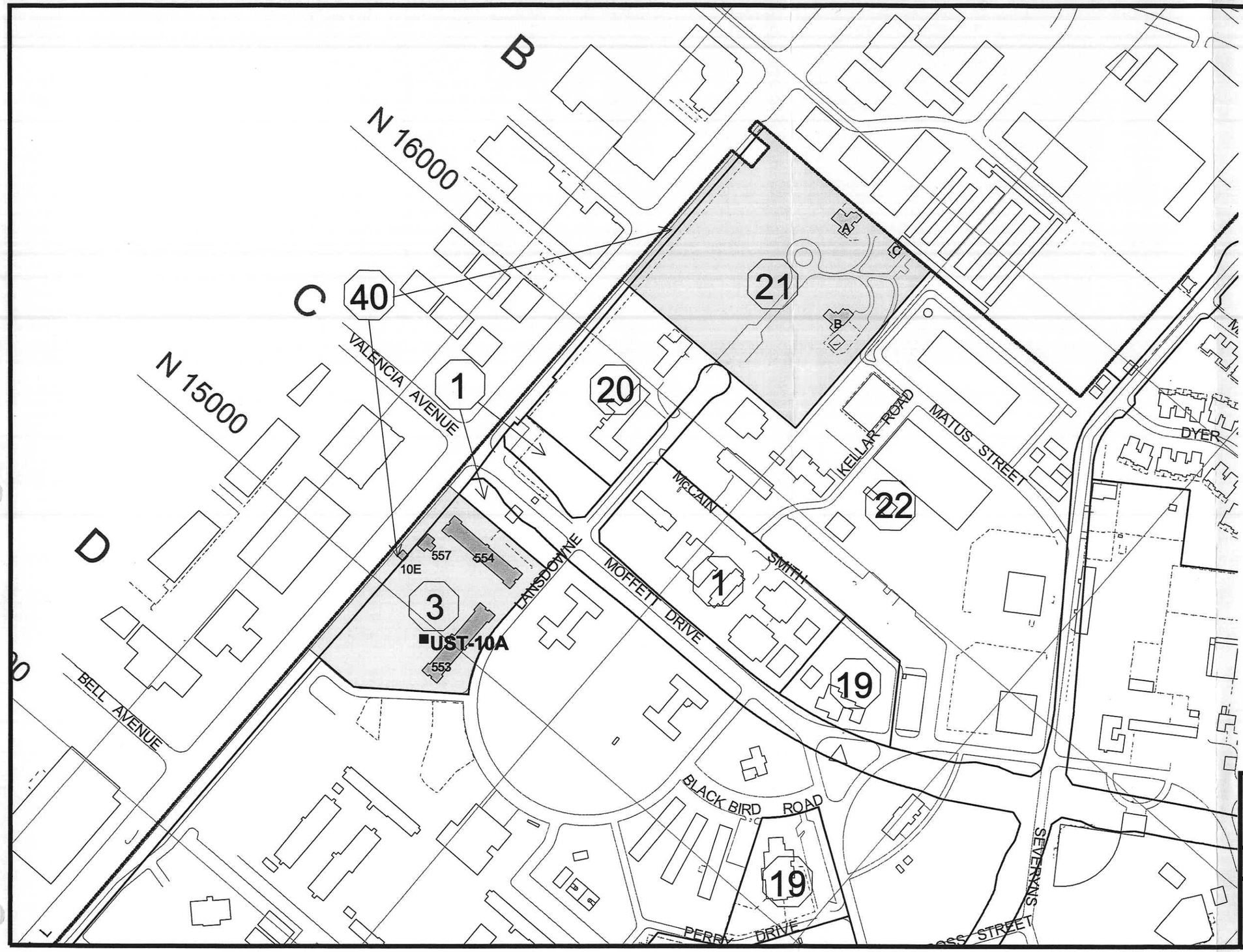
Figure 5

AOCs Within the Transfer Parcels

Marine Corps Air Station, Tustin, California

Bechtel National, Inc.
CLEAN II Program

Date: 7/30/01
File No.: 085L5504
Job No.: 22214-085
Rev No.: E



LEGEND

- GOVERNMENT PROPERTY LINE
- BUILDING OR STRUCTURE WITHIN THE TRANSFER PROPERTY
- MCAS TUSTIN REUSE PARCELS
- (20) PARCEL NUMBER
- BUILDING OR STRUCTURE
- EXISTING ROAD OR PAVED AREA
- BOUNDARY OF TRANSFER PARCELS (PARCELS 3, 21, 38, 39, AND PORTIONS OF 40)
- ■ UNDERGROUND STORAGE TANK

NOTES:

1. ALL LOCATIONS ARE APPROXIMATE.
2. USTs-1, -10A, AND -42 HAVE RECEIVED REGULATORY CONCURRENCE FOR NO FURTHER ACTION

SOURCES:

PARCEL DESIGNATION AND FUTURE LAND REUSE ARE BASED ON MCAS TUSTIN SPECIFIC PLAN/REUSE PLAN, ERRATA (CITY OF TUSTIN 1998).

BASE MAP BASED ON AERIAL SURVEY CONDUCTED BY AIRBORNE SYSTEMS, INC. ON OCTOBER 21,1990. REVISED BY BECHTEL IN NOVEMBER 1997 TO UPDATE BASE MAP.

N

300 0 300 Feet

Finding of Suitability to Transfer

Figure 6

Former USTs Within the Transfer Parcels

Marine Corps Air Station, Tustin, California

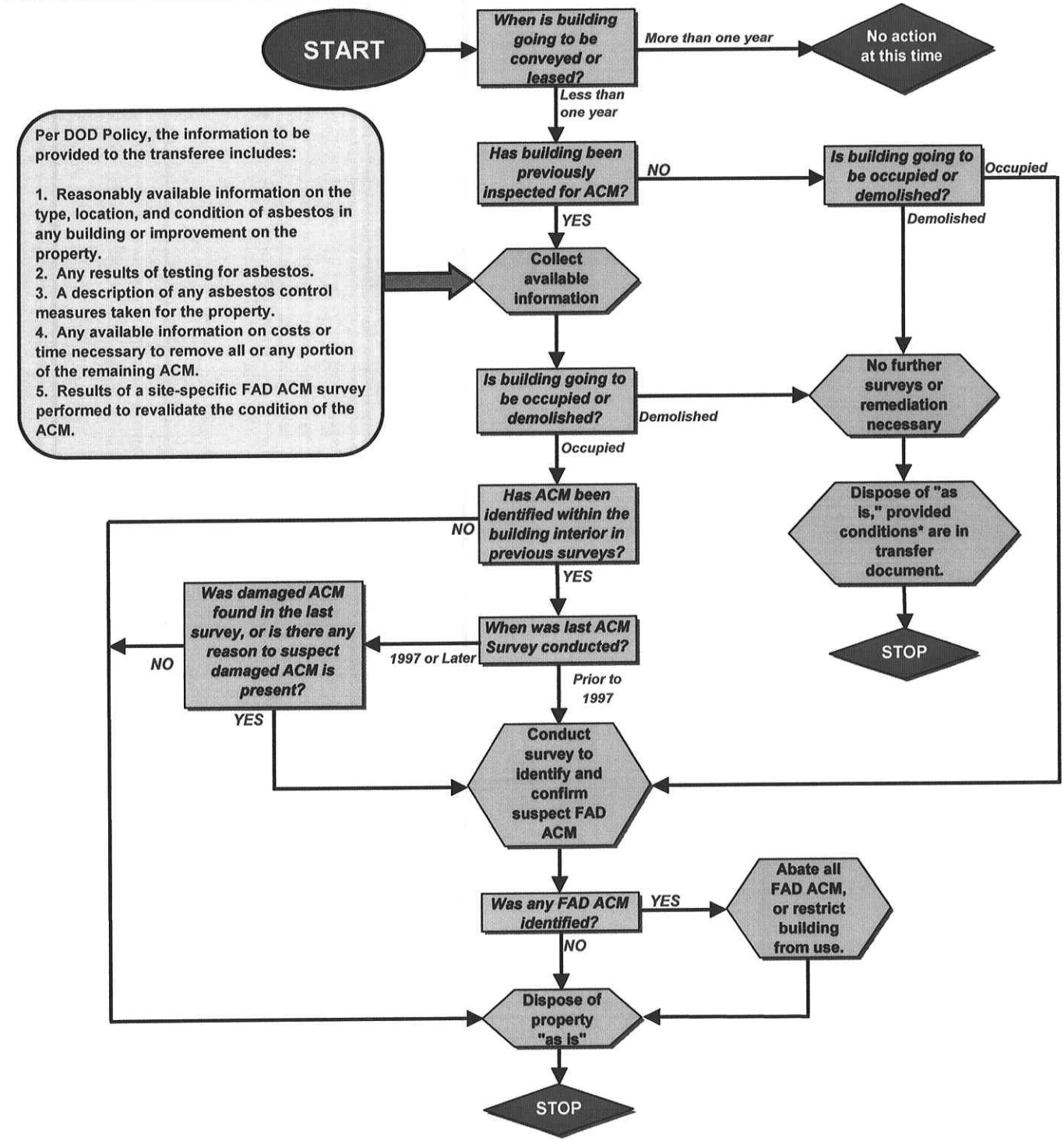
Bechtel National, Inc.
CLEAN II Program

Date: 7/30/01
File No.: 085L5505
Job No.: 22214-085
Rev No.: G

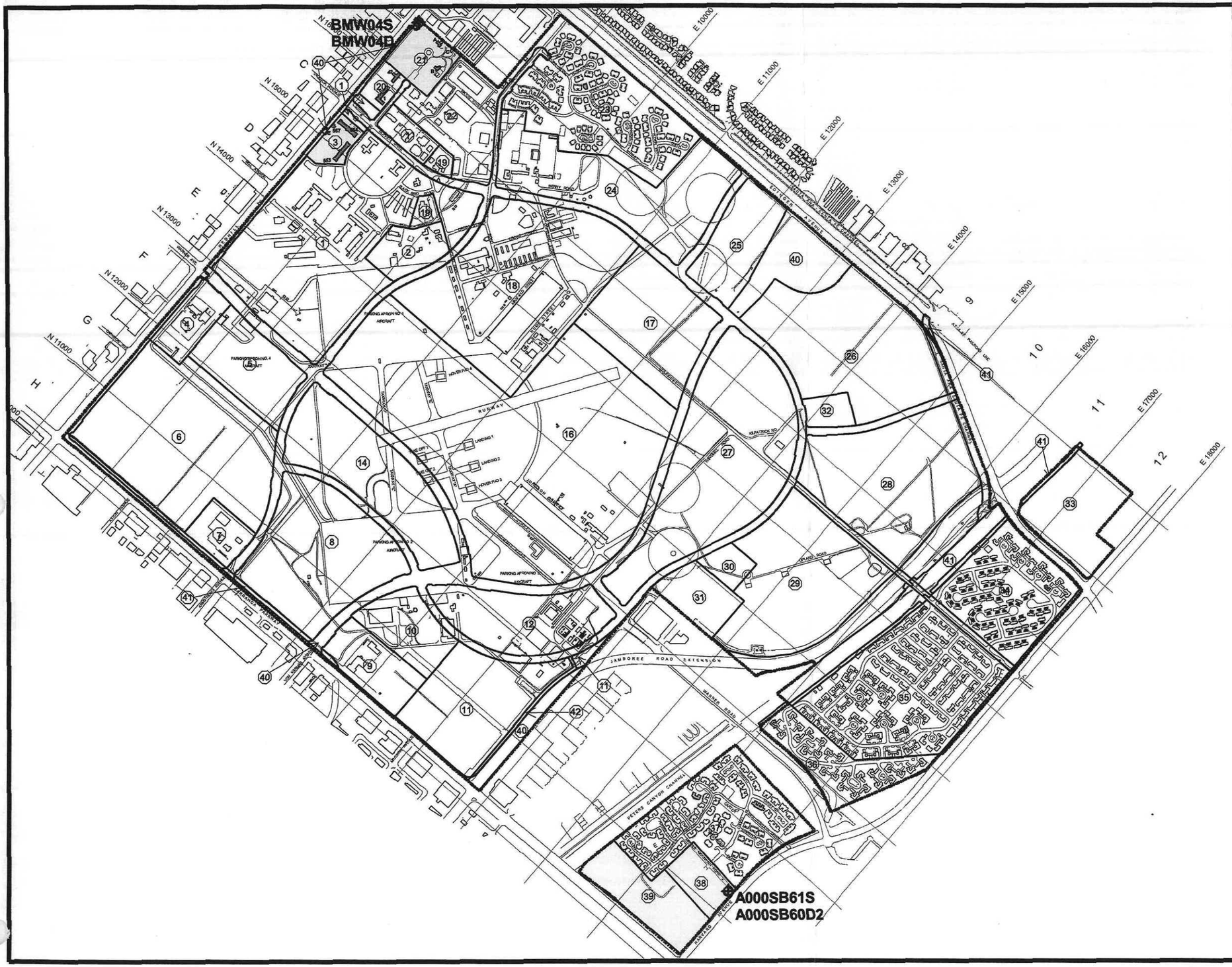
FIGURE 7
DECISION TREE FOR ASBESTOS-CONTAINING MATERIAL SURVEYS

DOD POLICY ON ASBESTOS AT BRAC PROPERTIES

Prior to property disposal, all available information on the existence, extent and condition of ACM shall be provided to the transferee in an EBS report or other appropriate document. All property containing ACM will be conveyed, leased or otherwise disposed of as is through the BRAC process, unless it is determined by competent authority that the ACM in the property poses a threat to human health at the time of transfer. This flow chart summarizes the steps necessary to comply with the DOD policy on asbestos at BRAC properties.



* Unless existing surveys indicate that there is no ACM which poses a threat to human health, the transfer document must prohibit occupation of the buildings prior to the demolition, and the transferee must assume responsibility for the management of any ACM in accordance with applicable laws.



LEGEND

- MONITORING WELL
- GOVERNMENT PROPERTY LINE
- BUILDING OR STRUCTURE WITHIN THE TRANSFER PROPERTY
- MCAS TUSTIN REUSE PARCELS
- PARCEL NUMBER
- BUILDING OR STRUCTURE
- EXISTING ROAD OR PAVED AREA
- BOUNDARY OF TRANSFER PARCELS (PARCELS 3, 21, 38, 39, AND PORTIONS OF 40)

NOTES:

1. ALL LOCATIONS ARE APPROXIMATE.

2. MONITORING WELLS A000SB61S AND A000SB60D2 WILL BE DECOMMISSIONED BEFORE PROPERTY TRANSFER.

SOURCES:

PARCEL DESIGNATION AND FUTURE LAND REUSE ARE BASED ON MCAS TUSTIN SPECIFIC PLAN/REUSE PLAN, ERRATA (CITY OF TUSTIN 1998).

BASE MAP BASED ON AERIAL SURVEY CONDUCTED BY AIRBORNE SYSTEMS, INC. ON OCTOBER 21,1990. REVISED BY BECHTEL IN NOVEMBER 1997 TO UPDATE BASE MAP.

N

1200 0 1200 Feet

Finding of Suitability to Transfer

Figure 8

Monitoring Wells Within the Transfer Parcels

Marine Corps Air Station, Tustin, California

Bechtel National, Inc.
CLEAN II Program

Date: 7/30/01
File No.: 085L5506
Job No.: 22214-085
Rev No.: G

TABLES

FINDING OF SUITABILITY TO TRANSFER PARCELS 3, 21, 38, 39, AND PORTIONS OF 40

DATED AUGUST 2001

Table 1
Buildings/Structures Summary
Parcels 3, 21, 38, 39[a], and Portions of 40

Building No.	Parcel	Prior Use	Year Built	Total Area (sq. ft.)	Condition[b]	Proposed Disposition	Ultimate Parcel Use
A	21	Commanding Officers' Quarters	1946	2,800	Poor	Demolition	Elementary school site
B	21	Executive Officers' Quarters	1946	2,200	Poor	Demolition	Elementary school site
C	21	VIP Quarters	1946	972	Fair	Demolition	Elementary school site
553	3	Bachelor Enlisted Quarters	1991	40,980	Good	Reuse	Transitional/ emergency housing
554	3	Bachelor Enlisted Quarters	1991	40,980	Good	Reuse	Transitional/ emergency housing
557	3	Mechanical building	1991	400	Good	Reuse	Transitional/ emergency housing
3003T	38	Guard shack	1992	25	Poor	Demolition	Community park/road

Notes:
[a] no structure is located on Parcel 39
[b] condition of building as specified in the Reuse Plan (City of Tustin 1998)

Acronyms/Abbreviations:
sq. ft. – square feet

Table 2
AOCs/Former USTs Located Within the Transfer Parcels[a]

AOC/UST	Location	Description	Status	ECP Area Type[b]
AD-05	Parcel 39	This unit was identified as a likely disposal site in an aerial photo dated 30 May 1966. Prior to 1965, the area was used for agriculture. An aerial photo dated 20 September 1965 indicates that the area was rough-graded and no longer used for agriculture. Available aerial photos from successive years indicate that the possible trench was filled (photograph dated 01 March 1967). This area is the same as the northwest third of Parcel C3 of Housing Project H-115 for which a PEA, including soil sampling and risk assessment, was performed.	RCRA AOC. NFA concurrence (letter received 20 March 1996)	1
MAW-3 (Well No. 2)	Parcels 3 and 40	Well was misidentified as an AOC. IRWD owns the well and has an existing easement for the well. The well has been removed from the AOCs list.	Removal from AOC list accepted on 12 July 2001.	1
UST-10A	Parcel 3	This was removed prior to 1991. Excavation and backfill of concrete electrical vault was completed. There was no contamination detected.	December 1996 closure report; NFA approval, Santa Ana RWQCB, 27 January 1997	1

Notes:
[a] there are no AOCs within Parcels 21 or 38
[b] see Table 3 for definitions of ECP area types

Acronyms/Abbreviations:
AOC – area of concern
ECP – environmental condition of property
IRWD – Irvine Ranch Water District
NFA – no further action
PEA – preliminary endangerment assessment
RCRA – Resource Conservation and Recovery Act
RWQCB – (California) Regional Water Quality Control Board
UST – underground storage tank

Table 3
Department of Defense
Environmental Condition of Property Area Types*

Area Type	Description
1	Areas where no release or disposal of hazardous substances or petroleum products has occurred (including no migration of these substances from adjacent areas)
2	Areas where only release or disposal of petroleum products has occurred
3	Areas where release of hazardous substances has occurred but at concentrations that do not require a removal or remedial action
4	Areas where release, disposal, and/or migration of hazardous substances has occurred, and all remedial actions necessary to protect human health and the environment have been taken
5	Areas where release, disposal, and/or migration of hazardous substances has occurred, and removal or remedial actions are underway, but all required remedial actions have not yet been taken
6	Areas where release, disposal, and/or migration of hazardous substances has occurred, but required response actions have not yet been implemented
7	Areas that have not been evaluated or require additional evaluation

Note:
* according to the Department of Defense BRAC Cleanup Plan Guidebook (DoD 1996), properties classified as Area Types 1 through 4 may be considered suitable for transfer, and properties classified as Area Types 5 through 7 are considered unsuitable for transfer

Acronyms/Abbreviations:
BRAC – base realignment and closure
DoD – Department of Defense

Table 4
Environmental Factors Considered
Parcels 3, 21, 38, 39, and Portions of 40

Environmental Factors May Pose Restrictions or Require Notification?		Environmental Factors Considered
No	Yes	
X		Hazardous substances (notification)
X		Areas of concern
X		Medical/biohazardous wastes
X		Oil/water separators
X		Monitoring wells
X		Unexploded ordnance
X		Petroleum products and derivatives
X		Radioactive & mixed wastes
X		Storage tanks (USTs/ASTs)
	X	Pesticides/herbicides applications
	X	Asbestos-containing material
X		Drinking water quality
X		Indoor air quality
	X	Lead-based paint
	X	Polychlorinated biphenyls
	X	Radon
X		Air conformity/air permits
X		Coastal zones
X		Energy (utilities)
X		Flood plains
X		Groundwater use/subsurface excavation
X		Hazardous waste management (by lessee)
X		Historic property (archeological/Native American, paleontological)
X		Occupational Safety and Health Administration
X		Outdoor air quality
X		Prime/unique farmlands
X		Sanitary sewer systems (wastewater)
X		Sensitive habitat
X		Septic tanks (wastewater)
X		Solid waste
X		Threatened and endangered species
X		Transportation
X		Wetlands

Acronyms/Abbreviations:
AST – aboveground storage tank
UST – underground storage tank

Table 5
Notifications and Restrictions Summary

Parcel No.	Environmental Factor	Notification/Restriction
ALL	Access	Pursuant to CERCLA Section 120(h)(3)(A)(iii), the deed shall reserve and the transferee shall grant to the United States an appropriate right of access to enable the United States and others to enter Parcels 3, 21, 38, 39, and portions of 40 in any case which remedial action or corrective action is found to be necessary on the parcels or adjacent property after the date of property transfer.
ALL	ACM/LBP	Buildings restricted based on ACM FAD and LBP hazards may be occupied on an interim basis if the transferee conducts the necessary ACM and LBP surveys and abatement according to all local, state, and federal requirements.
ALL	Radon	Radon testing was conducted in 1991 at a representative number of housing units and non-residential buildings. No radon readings were measured above the U.S. EPA guidance level of 4 pCi/L.
3	ACM	Copies of the ACM survey reports and the Basewide EBS will be included in the transfer documentation.
3	ACM	Buildings 553, 554, and 557 will require the transferee to assume responsibility for the management of ACM, if any.
3	Wells	IRWD owns an active well and associated shed (Building 10E) as well as an existing easement for this well. The ownership of the well, associated shed, and the existing easement for the active well will be maintained by IRWD after transfer for the continued operation and maintenance of the well.
21	ACM	Copies of the ACM survey reports and the Basewide EBS will be included in the transfer documentation.
21	ACM	Buildings B and C restricted from occupancy based on ACM FAD and the transfer document will indicate that the transferee assumes responsibility for the management of ACM in accordance with applicable law.
21	ACM	Building A will require the transferee to assume responsibility for the management of ACM, if any.
21	LBP	Copies of the LBP survey reports and the Basewide EBS will be included in the transfer documentation.
21	LBP	Buildings A, B, and C are restricted from reuse prior to demolition due to identified or suspected LBP hazards. The transferee will be responsible for conducting post-demolition sampling of the soil and conduct any required abatement prior to occupancy of any newly constructed buildings.
21	PCBs	Fluorescent light fixtures that may contain small amounts of PCBs may be in buildings on this parcel. If the transferee plans to dispose of fluorescent light ballast containing more than 3 pounds of PCB fluid, the PCB small capacitors in those light ballasts should be processed as regulated items.
21	School Sites	Should the subject parcel be considered for the proposed acquisition and/or construction of school properties utilizing state funding, a separate environmental review process in compliance with the CEC section 17210 et.seq. will need to be conducted and approved by the Department of Toxic Substances Control (School Property Evaluation and Cleanup Division).

Table 5
Notifications and Restrictions Summary

Parcel No.	Environmental Factor	Notification/Restriction
38	ACM	Building 3003T is restricted from occupancy and the deed will indicate that the transferee assumes responsibility for the management of ACM in accordance with applicable laws.
38	Pesticides	Copies of PEA Report and pertinent sections of RI report to be included in transfer documentation.
39	Pesticides	Copies of PEA Report and pertinent sections of RI report to be included in transfer documentation.
39	School Sites	Should the subject parcel be considered for the proposed acquisition and/or construction of school properties utilizing state funding, a separate environmental review process in compliance with the CEC section 17210 et.seq. will need to be conducted and approved by the Department of Toxic Substances Control (School Property Evaluation and Cleanup Division).
40	Wells	IRWD owns an active well and associated shed (Building 10E) as well as an existing easement for this well. The ownership of the well, associated shed, and the existing easement for the active well will be maintained by IRWD after transfer for the continued operation and maintenance of the well.

Acronyms/Abbreviations:

ACM – asbestos-containing material
CEC – California education Code
CERCLA – Comprehensive Environmental Response, Compensation, and Liability Act
EBS – environmental baseline survey
FAD – friable, accessible, and damaged
IRWD – Irvine Ranch Water District
LBP – lead-based paint
PCBs – polychlorinated biphenyl
PEA – preliminary endangerment assessment
pCi/L – picocuries per liter
RI – remedial investigation
U.S. EPA – United States Environmental Protection Agency

Table 6
Results of ACM Surveys – Parcels 3, 21, 38, 39, and Portions of 40

Building	Parcel	Ultimate Disposition	Year Built	Asbestos Survey Performed?	Survey Report Date[a]	ACM Found?	Location	Type/ Friable Condition[b]
A	21	Demolition	1946	Yes	1996	Yes	Roofing tar	Nonfriable
B	21	Demolition	1946	Yes	1996	Yes	Floor tile, pipe insulation	Friable (pipe insulation)/ good
C	21	Demolition	1946	Yes	1991, 1996	Yes	Carpet (mastic or backing), sprayon insulation, roofing, linoleum	Friable (sprayon insulation)/ good
553	3	Reuse	1991	Yes	2000[c]	No[c]	NA	No FAD ACM identified
554	3	Reuse	1991	Yes	2000[c]	No[c]	NA	No FAD ACM identified
557	3	Reuse	1991	Yes	2000[c]	No[c]	NA	No FAD ACM identified
3003T	38	Demolition	1992	No	NA	NA	NA	NA

Notes:
[a] Ecology and Environment, Inc. 1991, PWC 1996b, BNI 2000
[b] reported friable ACM condition in survey report
[c] FAD ACM survey only (BNI 2000)

Acronyms/Abbreviations:
ACM – asbestos-containing material
BNI – Bechtel National, Inc.
FAD – friable, accessible, and damaged
NA – not applicable
PWC – (Navy) Public Works Center

Table 7
Results of Lead-Based Paint Surveys[a]
Parcels 3, 21, 38, 39, and Portions of 40

Building	Parcel	Proposed Disposition	Year Built	LBP Building Survey Performed?	Survey Report Date[b]	LBP Found?	Location
A	21	Demolition	1946	Yes[c]	1996	Yes	Door molding, garage door, wall, window sill and molding, column, eave
B	21	Demolition	1946	Yes[c]	1996	Yes	Door jam and molding, garage door, wall, window sill and molding, eave, fascia
C	21	Demolition	1946	No[c]	NA	NA	NA
553	3	Reuse	1991	No	NA	NA	NA
554	3	Reuse	1991	No	NA	NA	NA
557	3	Reuse	1991	No	NA	NA	NA
3003T	38	Demolition	1992	No	NA	NA	NA

Notes:
[a] buildings constructed prior to 1978 potentially contain LBP; only selected residential buildings were surveyed for LBP
[b] survey results presented in PWC 1996b
[c] lead-in-soil surveys were conducted around the building (CDM Federal 2001)

Acronyms/Abbreviations:
LBP – lead-based paint
NA – not applicable
PWC – (Navy) Public Works Center

Table 8
Monitoring Well Locations

Monitoring Well/ Gauging Location	Parcel	Disposition
BMW04S[a]	21	Monitored quarterly
BMW04D[a]	21	Monitored quarterly
A000SB60D2[b]	38	Proposed for decommissioning[c]
A000SB61S[b]	38	Proposed for decommissioning[c]

Notes:
[a] water levels are measured quarterly in these monitoring wells
[b] these monitoring wells will be decommissioned before property transfer
[c] Wells will be decommissioned following the procedures in the Draft Final Interim Basewide Groundwater Monitoring Plan (BNI 1997c)

ATTACHMENT 1

REFERENCES

ATTACHMENT 1
REFERENCES

Bechtel National, Inc. 1997a. Final Environmental Baseline Survey for Parcels 6, 8B, 8C, 11A, 33, 38, 39, 41A, and 41B, Marine Corps Air Station Tustin, CA. Prepared for Southwest Division Naval Facilities Engineering Command. April.

———. 1997b. Draft Final Interim Basewide Groundwater Monitoring Plan, Marine Corps Air Facility Tustin, CA. Prepared for Southwest Division Naval Facilities Engineering Command. August.

———. 1997c. Draft Final Remedial Investigation Report for Operable Units 1 and 2, Marine Corps Air Facility Tustin, CA. Volume III. Prepared for Southwest Division Naval Facilities Engineering Command. November.

———. 2000. Final Letter Report for the Limited Asbestos Surveys at Buildings 553, 554, and 557, Marine Corps Air Station Tustin, CA. November.

———. 2001. Final Basewide Environmental Baseline Survey, Marine Corps Air Station Tustin, CA. Prepared for Southwest Division Naval Facilities Engineering Command. February.

BNI. *See* Bechtel National, Inc.

Bufton, E.L. 1991. Letter, by direction of the Commandant of the United States Marine Corps, to Commanding General, Marine Corps Air Station El Toro, Santa Ana, CA. May.

CDM Federal. 2001. Final Letter Report for Lead in Soil Sampling at Tustin Villas. February.

City of Tustin. 1998. Final Marine Corps Air Station Tustin Specific Plan/Reuse Plan *ERRATA*. September.

DoD. *See* United States Department of Defense.

DON. *See* United States Department of the Navy.

Ecology and Environment, Inc. 1991. Asbestos Survey and Assessment, Camp Pendleton, El Toro, and Tustin Marine Corps Air Stations, CA. Volume 1. December.

GeoRemediation. 1992. Preliminary Endangerment Assessment Report, Parcel C FY-1990, New Family Housing Project, Marine Corps Air Station Tustin, CA. Prepared for United States Navy, Naval Facilities Engineering. March.

Jacobs Engineering Group Inc. 1994. Final Environmental Baseline Survey (EBS) for CERFA, Marine Corps Air Station Tustin, CA. 14 April.

JEG. *See* Jacobs Engineering Group Inc.

Kennedy/Jenks Consultants. 1992. Inventory of PCB Items and Equipment at Marine Corps Air Station Tustin, CA. 20 November.

Navy Public Works Center. 1996a. Analytical Data Report for PCB in Oil Samples Collected at MCAS Tustin on November 4, 5, and 6, 1996. 05 December.

———. 1996b. Lead and Asbestos Assessment. Senior Officers' Quarters, Saddleback Terrace/Tustin Villas Housing, El Toro/Tustin, CA. January.

PWC. *See* Navy Public Works Center.

Southwest Division Naval Facilities Engineering Command. 1998. Base Realignment and Closure Cleanup Plan for Marine Corps Air Facility Tustin, CA. March.

SWDIV. *See* Southwest Division Naval Facilities Engineering Command.

United States Department of Defense. 1994a. Memorandum for Secretaries of the Military Departments From the Deputy Secretary of Defense. Subject: FOST for BRAC Property (with attachments). June.

———. 1994b. Asbestos, Lead Paint and Radon Policies at BRAC Properties. Memorandum for Assistant Secretary of the Army (Installations, Logistics, and Environment); Assistant Secretary of the Navy (Installations and Environment); Assistant Secretary of the Air Force (Manpower, Reserve Affairs, Installations, and Environment); and Director, Defense Logistics Agency. From Principal Assistant Deputy Undersecretary of Defense (Environmental Security). October.

———. 1996. BRAC Cleanup Plan (BCP) Guidebook. Fall. 19 July.

———. 1999. Joint DoD Interim Final: Lead-Based Paint Guidelines for Disposal of Department of Defense Residential Real Property – A Field Guide. December.

United States Department of the Navy. 1989. Letter on Navy Policy for Disposal of Light Ballasts Containing PCBs. 21 November.

———. 1999. Final Environmental Impact Statement/Environmental Impact Report for Disposal and Reuse of the Marine Corps Air Facility Tustin, CA. In conjunction with the city of Tustin. December.

———. 2001a. Base Realignment and Closure Business Plan, 2000, Marine Corps Air Station Tustin, CA. 07 February.

———. 2001b. National Environmental Policy Act Record of Decision. 2 March.

ATTACHMENT 2

NO FURTHER ACTION
REGULATORY CONCURRENCE LETTERS
FOR AOCS AND USTS,
PARCELS 3, 21, 38, AND 39 AND PORTIONS OF 40

CONCURRENCE SIGNATURE PAGE

CONCURRENCE WITH NO FURTHER ACTION FOR AREAS OF CONCERN AD-05, AND AD-06 AT MCAS TUSTIN, California

The following members of the BCT concur with the recommendation for no further action for areas of concern (AOCs) AD-05, and AD-06 at MCAS Tustin, California.

Desire Chandler — Date: 20 MAR 96

Desire Chandler,
BRAC Environmental Coordinator

David Hodges — Date: 3/20/96

David Hodges,
U.S. EPA
Project Manager

Laurence Vitale — Date: 3/20/96

Larry Vitale,
RWQCB
Project Manager

Majed Ibrahim — Date: 3/22/1996

Majed Ibrahim,
Cal-EPA, DTSC
Project Manager

CONCURRENCE SIGNATURE PAGE

CONCURRENCE TO REMOVE AREAS OF CONCERN (AOCs) MAW-01, MAW-02, MAW-03, MAW-04, MAW-05, AND MAW-06 FROM THE MCAS TUSTIN AOC LIST AT MCAS TUSTIN, CALIFORNIA

The following members of the BCT concur with the recommendation to remove areas of concern (AOCs) MAW-01, MAW-02, MAW-03, MAW-04, MAW-05, and MAW-06 from the MCAS Tustin AOC List at MCAS Tustin, California.

Keith Forman,
BRAC Environmental Coordinator

Date: 7/12/2001

Nicole Moutoux,
U.S. EPA
Project Manager

Date: 7/12/01

Patricia Hannon,
RWQCB
Project Manager

Date: 7/12/2001

Jennifer Rich,
Cal-EPA, DTSC
Project Manager

Date: 7/12/01

STATE OF CALIFORNIA--CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY PETE WILSON, Governor

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION
3737 MAIN STREET, SUITE 500
RIVERSIDE, CA 92501-3339
PHONE: (909) 782-4130
FAX: (909) 781-6288

UST - COA

January 27, 1997

Mr. Wayne D. Lee
Assistant Chief of Staff
Environmental and Safety
Marine Corps Air Station El Toro
P.O. Box 95001
Santa Ana, CA 92709-5001

SUBJECT: **CASE CLOSURES, MARINE CORPS AIR STATION TUSTIN , FORMER UNDERGROUND STORAGE TANKS SITES, 10A,132, 28A, 506**

Dear Mr. Lee:

This letter confirms the completion of site investigations and remedial actions for the subject underground storage tank sites. Based on the information provided in the Site Assessment/ Closure Reports dated 12/6/96, 12/13/96 and 12/16/96 and with the provision that the information provided to this agency was accurate and representative of site conditions, no further action related to the underground storage tank releases is required.

This notice is issued pursuant to a regulation contained in Title 23, Division 3, Chapter 16, Section 2721(e) of the California Code of Regulations.

If you have any questions, regarding this matter, please contact Lawrence Vitale at (909) 782-4998.

Sincerely,

Gerard J. Thibeault
Executive Officer

cc: LT Hope Katcharian, Marine Corps Air Station El Toro
Mr. Bill Diekman, Orange County Health Care Agency
Mr. John Adams Jr., State Water Resources Control Board, Division of Clean Water Programs

STATE OF CALIFORNIA — ENVIRONMENTAL PROTECTION AGENCY
PETE WILSON, Governor

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Region 4
245 West Broadway, Suite 380
Long Beach, CA 90802-4444

May 27, 1992

J.R. Faunce, CAPT, CEC, USN
Director, Facilities Management Department
Marine Corps Air Station (El Toro)
Santa Ana, California 92709

Dear Captain Faunce:

REVIEW AND APPROVAL OF PRELIMINARY ENDANGERMENT ASSESSMENT (PEA) REPORT - PARCEL C NEW FAMILY HOUSING PROJECT, MCAS TUSTIN

The Department has reviewed the above mentioned report prepared by GeoRemediation, Inc. for the United States Navy, dated March 20, 1992. This report addressed the comments on a previous report dated October 17, 1991, provided to you on January 21, 1992. The Department hereby approves said report in its totality as it complies with Section 25319.5, Chapter 6.8, Division 20 of the California Health and Safety Code.

The Department concurs that no further action is necessary at this site regarding pesticide contaminated soil.

If you have any question or need any assistance, please contact Mr. Manny Alonzo at (310) 590-4904.

Sincerely,

John E. Scandura, Chief
Site Mitigation Branch

cc: Mr. Chris Kyburg, Code 1811.CK
Southwest Division, Naval Facilities
Engineering Command
1220 Pacific Highway
San Diego, California 92132-5190

Ms. Michelle McKibben
Department of Toxic Substances Control
Site Mitigation Branch
8950 Cal Center Drive, Bldg. 3, Suite 101
Sacramento, California 95826

ATTACHMENT 3

COMMENTS/RESPONSE TO COMMENTS

FINAL RESPONSE TO CITY OF IRVINE AND CITY OF TUSTIN COMMENTS

Revised Draft Finding of Suitability to Transfer (FOST) for Parcels 3, 20, 21, 38, 39 and Portions of 40
Marine Corps Air Station Tustin, California
January 2001

9 February 2001 Comments from: Daniel Jung, Executive Assistant, City Manager's Office, City of Irvine

NUMBER	GENERAL COMMENTS	RESPONSE
1.	We are concerned about the language in Attachment 3, "Comments/Response to Comments," contained in the response to comment Numbers 12 and 13 that states that "The transferee, with DTSC oversight, is responsible for ensuring that the property is suitable for use as a school site after transfer." This language appears to contradict the previous statements within the responses that the parcels are suitable for transfer by deed for the purposes intended and the same statement in Section 7.0 of the FOST. The intended reuse of Parcel 38 is a neighborhood park with childcare facilities. Parcel 39 is intended for reuse as an elementary school.	The Navy conducted the pesticide risk assessment at Parcels 38 and 39 to determine if there were any significant environmental or human-health threats from pesticides based on past use. The risk assessment was conducted under a residential scenario which is more conservative than a school site scenario based on exposure time to potential contaminants. The risk assessment results support the finding that the property is suitable for unrestricted residential use. With this determination, the requirements of CERCLA Section 120(h)(3) have been met for these parcels and they are both suitable for transfer by deed for the purposes intended, subject to the notifications and restrictions set forth in Section 6.0 of the FOST. However, state legislation (Senate Bill 162, Assembly Bill (AB) 387 and AB 2644) has been passed for identifying and evaluating school sites within California. The bills require school districts, in conjunction with DTSC, to conduct a Phase I environmental assessment in order to obtain any state funds for the project. The environmental assessment can be conducted prior to transfer or after transfer of the property is complete.
2.	Excepting the response to comment 11, which concerns Parcel 21 and its reuse as a school site, we note that the responses to other comments regarding the suitability of the site for specific purposes involving children and other members of the public (such as homeless transitional housing and a shelter for abused and neglected children) do not contain such language (see, for example, the response to comment numbers 9 and 10). We believe that the Navy intends the FOST to support reuse of Parcels 38 and 39 as a park and elementary school and are concerned that the inclusion of the qualifying statement in the response to comment 12 and 13 indicates that the Navy does not fully endorse the suitability of the parcels for the intended uses. If the statement refers to other issues outside of BRAC and CERCLA process, particularly regarding reuse of sites as schools (e.g., Assembly Bill 387 and Senate Bill 162), that should be clarified and limited to parcels that are intended for reuse as schools (Parcels 21 and 39). We, therefore, request that this statement be clarified if it is intended to address issues outside other BRAC/CERCLA process and be removed from the response to comments that do not involve the reuse of a site as school (Parcel 38) for the final document.	See Response #1. Section 6.1 of the FOST is provided for notification that Parcels 38 and 39 were previously used for agriculture, which included the use of pesticides. This section also provides information on investigations conducted in these parcels. Both of these parcels are suitable for unrestricted residential use based on the results of the investigations. Post-transfer requirements, outside of the BRAC process, may apply to Parcels 21 and 39 based on their intended use as a school site. The text will be clarified to indicate that Parcels 38 and 39 are unrestricted for residential use based on the results from previous investigations.

FINAL RESPONSE TO CITY OF IRVINE AND CITY OF TUSTIN COMMENTS

Revised Draft Finding of Suitability to Transfer (FOST) for Parcels 3, 20, 21, 38, 39 and Portions of 40
Marine Corps Air Station Tustin, California
January 2001

8 February 2001 Comments from: Dana Ogdon, Senior Project Manager, City of Tustin

NUMBER	SPECIFIC COMMENTS	RESPONSE
1.	Page 2, Section 2.1 – The last paragraph of this section states that the barracks buildings 553 and 554 (future Rescue Mission site) "are currently occupied". This should be corrected to reflect that the buildings are unoccupied and will remain so until issuance of a Lease in furtherance of Conveyance/Deed and construction of new administrative and support buildings at the site.	The text in the last paragraph of Section 2.1 will be revised to state "Buildings 553 and 554 are planned to be converted to support transitional housing after transfer of the property."
2.	Page 4, Section 2.5, page 7, Section 6.1 – In the earlier draft of this FOST, it was indicated that DDT and selenium in groundwater were not considered to be a significant exposure pathway for the parcel 39 (IUSD) site. The Revised Draft FOST indicates that the RI for OU-1 "did not indicate the presence of pesticides in groundwater beneath parcels 38 and 39." The City does believe that this issue may not have been adequately addressed. The document should specify state that testing for pesticides in groundwater has occurred and that State and federal regulators have formally expressed their concurrence that groundwater does not pose a potential exposure pathway that would prevent or hinder the planned reuse of the sites for a school. Also, both parcels 38 and 39 are planned for school purposes (parcel 38 is planned for a park that includes a day care and parcel 39 is planned for a K-8 elementary school). Please clarify that the residential risk assessment for these sites would support reuse and park reuse for parcel 38.	The PEA and RI Report for Operable Units 1 and 2 included groundwater sampling at Parcels 38 and 39. The results of the PEA indicated that there was no significant environmental or human health threat from pesticides under a residential scenario. Subsequent groundwater sampling results from the RI did not indicate the presence of pesticides in groundwater beneath Parcels 38 and 39. Selenium was found to be naturally occurring in groundwater and was not associated with base operations at these parcels. Based on the investigations conducted for pesticides (See Section 6.1), these parcels are suitable for unrestricted residential use. The reports referenced in this section of the FOST will be provided to the transferee as part of the transfer documentation. If the property is designated for use as a school after transfer, the transferee is responsible for meeting the requirements under Assembly Bill (AB) 387, AB 2644, and Senate Bill 162 which address acquisition and construction of school sites where state funding is requested. The bills provide requirements for the transferee to conduct a Phase I environmental assessment, in conjunction with DTSC, to ensure the property is suitable for a school site.
3.	Page 5, Section 4.0 – The last sentence of this section indicates that the NEPA ROD is to be executed on March 31, 2001. Please replace with the correct date.	The last sentence of Section 4.0 was replaced with the following text, "The NEPA ROD was published on 2 March 2001 (DON 2001b)."
4.	Page 7, Section 6.2 – The section indicates that PCBs from transformers within Parcel 21 are equal to or less than 2 ppm "and no additional action concerning transformers is required by DON before transfer." Please verify the state regulatory standard or law for PCB concentrations for the uses planned for parcels affected by PCBs and please provide a dated reference of prior State regulatory concurrence that no additional action is necessary.	The federal requirements in 40 CFR Section 761.60 require that transformers containing PCBs shall not have concentrations greater than 50 ppm (below 50 ppm considered non-PCB transformers). State requirements in 22 CCR 66261.24(a)(2) state that the PCB levels in transformers shall not exceed the soluble threshold limit concentration of 5 ppm and the threshold limit concentration of 50 ppm. Since the maximum concentration of transformers in these parcels are below 5 ppm (the most stringent requirement), no further action is required by the DON prior to transfer. Additionally, no regulatory approval is necessary since Federal and state requirements have been met.
5.	Page 8, Section 6.3 – The section states that radon levels below 4 pCi/L were detected in facilities and housing units at MCAS Tustin, and that such "low" levels require no mitigation. Pleas revise the document to state that 4 pCi/L would not preclude the use of parcels planned reuse for schools, housing, etc. State regulatory concurrence with this statement is requested. Also, there is no indication that radioactive and mixed waste does not require any restriction or notification. Please note that we have previously raised questions with respect to the radiation report that was issued, and those matters should be resolved prior to finalization of the FOST.	The radon survey at MCAS El Toro and Tustin was conducted as part of a nationwide survey of radon at DoD facilities. The surveys act as a screening at representative buildings at each facility to determine radon levels in these buildings. DoD policy in the Base Reuse Implementation Manual (BRIM) in regards to radon, is to ensure that any available and relevant radon assessment data pertaining to BRAC property being transferred shall be included in property transfer documents. Therefore, the radon notification is included in the FOST. Radon is just one of several environmental factors to consider (See Table 4) in determining whether a parcel is suitable to transfer. The environmental factors, radioactive and mixed waste, have been evaluated for these parcels and were determined to pose no restrictions or require notifications based on past activities (See Table 4). Therefore, Section 6.0 does not include these factors. Only those environmental factors that were determined to pose a restriction or require notification are discussed in Section 6.0 and include information from investigations conducted within the parcels.

NUMBER	SPECIFIC COMMENTS	RESPONSE
6.	Page 9, Section 6.4.2 – The City appreciates the Navy's revision to the document to permit the possibility for interim use of the TUSD site. However, we would not support Navy assignment to a future landowner of any military obligation to remediate military contamination at any site.	The DON is not obligated to conduct any additional surveys in buildings that are slated for demolition. In accordance with DoD policy, these buildings will be restricted from occupancy prior to demolition, and the deed will indicate that the transferee assumes responsibility for the management of ACM in accordance with applicable laws. These buildings may be occupied on an interim basis if the transferee conducts the necessary ACM surveys and abatement according to all local, state, and federal requirements.
7.	Page 9, Section 6.5 – The section states that Buildings 553 and 554 are "non-residential structures". The City's October 12, 2000 comments on the previous draft FOST indicated that the City and its operator, the Rescue Mission, intends to convert the existing single room occupancy to a one-bedroom suite unit. A zero bedroom dwelling is any residential dwelling in which the living areas are not separated from the sleeping area. It includes efficiencies, studio apartments, dormitories, single room occupancy housing, military barracks and rentals of individual rooms in residential dwellings. The FOST should clearly indicate that Parcel 3 is suitable to transfer for the City's and its operator's intended reuse of the site.	The text was revised as follows for each of these buildings in Section 6.5.1 'NOTIFICATION – Non Residential' to the following: "Buildings 553 was built in 1991, is located in Parcel 3, and is scheduled for reuse. Based on the age of construction, it is unlikely that LBP was used at this building." The same text was used to describe Building 554. The structures in parcel 3 have been evaluated for the environmental factors identified in Table 4. No notifications or restrictions have been identified for these structures. These structures are suitable for transfer under CERCLA 120(h)(3).

NUMBER	SPECIFIC COMMENTS	RESPONSE
8.	Page 10, Section 6.5.1.1 and 6.5.1.2 – The Revised Draft FOST indicates that lead-in-soil may be present at parcels 20 and 21. The FOST identifies Parcel 20 as a non-residential site and appears to focus on the fact that the existing buildings will be torn down to support implementation of the planned reuse. The document also states that the "DON will not be responsible for any evaluation or abatement of lead in soils surrounding...non-child-occupied facilities" and that national policy has focused lead evaluation and abatement on residential areas where exposure to children under 6 could result in adverse health effects. That statement is contrary to the requirements of the Comprehensive Environmental, Response, Compensation, and Liability Act. The document should not focus upon whether or not an existing building at the site will be reused but rather whether the property is suitable for transfer for the purposes identified in the Reuse Plan. Lead in soil constitutes a release of a hazardous substance and as such, it is the obligation of the Navy to provide the CERCLA warranty that all action necessary to protect human health in the environment has been taken. It is difficult to understand how that warranty can be provided under these circumstances. The document also indicates that the existing building on parcel 21 will be transferred with documentation concerning lead hazards. For parcel 20, the document states that the "DON will assure that [the transferee will perform necessary additional abatement." DON also disclaims responsibility for evaluation or abatement of lead in soil from LBP found to be necessary as a result of any changes in the use of the areas identified in this FOST." It is our belief that the document states that the planned reuse of the site would be considered a change in use identified in the FOST. Again, the City strongly believes that the purpose of the FOST is to certify that the property is suitable for transfer for the purposes identified in the Reuse Plan. The FOST should be revised to ensure that this is true. The Reuse Plan for MCAS Tustin clearly indicates that parcel 20 will be used to house up to 60 children under six years of age and that parcel 21 will be used as an elementary school that will accommodate children under the age of six. According to the Revised Draft FOST, transfer of parcels 20 and 21 for their planned reuse as an abused children's shelter and elementary school could expose children under six to a risk of adverse health effects unless the future property recipients (County of Orange and TUSD) perform tests and abatement (as necessary). The City of Tustin believes that the Navy, not the future recipient, should be held responsible for the testing and abatement of hazardous materials created during the time the property was owned and operated as a military installation to support the planned reuse identified in the Reuse Plan for MCAS Tustin. As currently drafted the parcels could transfer and be later found to contain levels of lead contamination that would prevent property use as planned. The document must be revised to make a Finding that the property is "Suitable for Transfer" for the uses planned and continue to hold the Navy responsible for abatement of previously unknown contamination after transfer.	DON's position regarding a release of LBP through weathering is that this type of release does not constitute a CERCLA release. LBP is regulated under Title X and a release to soil is considered a potential "soil-lead hazard". Per Title X, DON is required to disclose the presence of known LBP and/or lead-based paint hazards in housing and provide transferees with any lead hazard evaluation reports available. Although this disclosure requirement applies to housing areas, DON has also included the disclosure of potential for LBP hazards for non-residential buildings. The disclosure of the potential for LBP hazards at specified buildings meets the full disclosure requirements intended in Title X. All action necessary to protect human health and the environment has been taken since no known CERCLA hazardous substances exist on these parcels and full disclosure of the potential for LBP hazards (as well as notifications for asbestos, radon, etc.) will be made to the transferee. DON's position is that a release of LBP through weathering does not constitute a CERCLA release and therefore the CERCLA warranty requirement is not applicable to this type of release. **NOTE:** *Attached to the response to comments is an e-mail correspondence from Rex Callaway, Navy SWDIV to Barry Steinberg, Kutak Rock (city of Tustin attorney) which presents additional information on DON's position on LBP and the applicability of the CERCLA warranty.* Disclosure of the potential for LBP hazards provides the transferee with notice that abatement may be required after transfer and that Federal and state requirements on LBP apply when conducting demolition activities. The responsibility for the future evaluation and abatement of the non-residential buildings will be the transferee's responsibility unless future DoD Policy and/or legislation requires that the DON perform such evaluations and abatement on non-residential buildings. The text in Section 6.5 regarding non-residential buildings will state: "In order to address the risk of adverse health effects to children from LBP exposure, legislation and national policy regarding LBP has focused on residential areas and child-occupied facilities where children under the age of 6 may be present. Non-residential buildings (e.g., warehouses and office buildings) are typically occupied by adults with minimal exposure to children. DON will not conduct sampling at non-residential buildings prior to transfer. Any evaluation and abatement of LBP at non-residential buildings will be the responsibility of the transferee. Non-residential buildings scheduled for demolition will require post-demolition soil sampling and abatement of any soil-lead hazards by the transferee prior to occupation of any new buildings. Buildings which are scheduled for demolition may be occupied on an interim basis if the transferee conducts the necessary LBP surveys and abatement in accordance with all local, state, and federal requirements. Information pertaining to LBP at non-residential buildings, if any, will be provided to the transferee with the transfer documents. Notification of potential LBP at non-residential buildings where surveys were not conducted will be based solely on the age of construction (i.e., constructed before 1978)." In regards to planned reuse, the requirements of CERCLA Section 120(h)(3) have been met for these parcels and they are both suitable for transfer by deed for the purposes intended, subject to the notifications and restrictions set forth in Section 6.0 of the FOST. Additionally, disclosure of possible hazards (e.g., asbestos and LBP) has been identified in the FOST. [NOTE: Comments made are in reference to Parcels 20 and 21 for LBP. Parcel 20 has been removed from the final version of this FOST and will be addressed in a Subsequent FOST. Comments on Parcel 20 have not been directly addressed and/or incorporated into the final FOST.]

From: Callaway, Rex (EFDSW)
Sent: Friday, April 27, 2001 1:55 PM
To: 'Steinberg, Barry P.'
Cc: Forman, Keith S (EFDSW)
Subject: RE: lead in soil

Barry:

I am sending you this note in response to the questions and comments in your April 6, 2001 E-mail memorandum to me concerning lead-based paint (LBP) issues at the former MCAS Tustin. Pardon my informal use of acronyms in my response below. I believe that you are familiar with them from our past communications. I apologize for the length of the response but found it necessary in responding to the several questions that you posed.

Your assertions and conclusions regarding the applicability of the "CERCLA covenant" requirements of Section 120(h)(3)(A)(ii) of CERCLA to releases of LBP into the environment in the first half of your E-mail relate closely to the Dec 99 DoD/USEPA Interim Final "Lead-Based Paint Guidelines for Disposal of Defense Residential Real Property - A Field Guide" (December 1999) (hereinafter referred to as the "Field Guide"). Those assertions and conclusions provide the foundation for the remainder of your E-mail so I will address them first.

I believe that it would be helpful to provide some background to put the issues you have raised and the Field Guide into perspective. An untold number of publicly and privately owned residential, administrative, commercial, and industrial facilities and structures throughout the United States of America (non-DoD as well as DoD) were painted with LBP before 1978. All of these facilities and structures have the potential for the release of LBP particles into the environment through natural weathering. The City of Tustin probably owns and operates some of those types of facilities and structures itself.

The "weathered LBP" issue is pervasive and truly national in scope. It affects many privately owned properties, including individual residential properties, as well as building and structures owned by federal, state, and local government. It is not the type of cleanup issue that the federal government has addressed under the authority of CERCLA. USEPA has elected not to attempt to exercise its own response action authority under Section 104(a) of CERCLA or enforcement authority under Section 106 of CERCLA to address the "weathered LBP" issue during the first two decades of implementation of CERCLA. USEPA has long endorsed the general proposition that a CERCLA response action is not "necessary" for all releases of CERCLA hazardous substances (e.g., see 49 Fed. Reg. 40323-40234, October 15, 1984). DoD shares that view.

Most States, including California, have taken a similar approach to USEPA in declining to exercise their own CERCLA-like, "Mini-Superfund" response and enforcement authorities to address the release of weathered LBP. A general consensus appears to have existed in the regulatory community that CERCLA response and enforcement actions were not the appropriate regulatory approach for addressing this pervasive LBP issue.

Congress enacted the Residential Lead-Based Paint Hazard Reduction Act of 1992 as an alternative to addressing the unique aspects of LBP issues under CERCLA at residential property (42 U.S.C. Section 4851, commonly referred to as "Title X"). This statute established LBP exposure and cleanup standards for residential properties where most risk associated with LBP would reside based upon the presence of children.

The LBP/CERCLA issue lay relatively "dormant" until the base closure and disposal process cast attention on the requirements in Section 120(h)(3)(A)(ii) of CERCLA requiring a covenant warranting that "all remedial action necessary" has been taken before transfer (hereinafter referred to as the "CERCLA covenant"). More specifically, issues were raised as to whether or not (1) the release of LBP into the environment through natural weathering constituted a CERCLA release (2) for which remedial action was "necessary" and, therefore, required to support issuance of Findings of Suitability for Transfer (FOSTs) supporting CERCLA covenants.

After communications between USEPA and DoD on this CERCLA covenant/FOST issue in the mid-1990s, the Agencies realized that a policy was needed to reconcile their views concerning CERCLA and LBP. The two agencies decided to work together collaboratively in deciding if CERCLA or CERCLA-like response actions to LBP were necessary. This gave rise to the negotiations that resulted in the Field Guide.

USEPA and DoD "agreed to disagree" on the question of whether or not a release of LBP through natural weathering was a release of a CERCLA hazardous substance in those negotiations. USEPA's position that the weathering of LBP into the environment does constitute a release of CERCLA hazardous substances is set forth on Page 1 of Chapter 1 of the Field Guide as you indicated. That view is correctly attributed to USEPA alone in the Field Guide. DoD specifically avoided expressly endorsing it or agreeing with it in the Field Guide.

USEPA and DoD have agreed that CERCLA response action addressing LBP at residential property is not "necessary" pursuant to Sections 104(a) and Section 120(h)(3)(A)(ii) of CERCLA if the Field Guide is complied with. The common ground between USEPA and DoD that the Field Guide built upon was the mutual recognition that the provisions of Title X were consistent with CERCLA and National Oil and Hazardous Substances Pollution Contingency Plan (NCP) requirements. DoD agreed in the Field Guide to not only abide by Title X but also to undertake a number of specific measures that went beyond Title X minimum requirements at residential facilities in the interest of providing additional protection to children from residential LBP hazards. USEPA and DoD agreed that the enhanced Title X-based cleanup program for LBP set forth in the Field Guide satisfied USEPA's CERCLA concerns for LBP risks to children in residential housing ("EPA and DoD agreed that…as a matter of policy, CERCLA/RCRA will not be applied except in limited circumstances." - Appendix E of Field Guide).

The Field Guide specifically states that it does not establish policy for LBP on transferring non-residential property with the exception of requiring sampling for LBP at certain specific types of non-residential metallic structures (water towers, communication towers, and bridges). Issuance of national joint DoD and USEPA policy for LBP at non-residential property has been deferred pending the completion of a joint pilot study of LBP on non-residential property.

Consistent with the DoD positions expressed above, DoN stands firm with its position that a release of LBP through weathering does not constitute a release of hazardous substances for non-residential properties not governed by the Field Guide. Even assuming arguendo that the release of LBP were a CERCLA release, a CERCLA response action would generally not be "necessary" at non-residential property pursuant to Section 104(a) and Section 120(h)(3)(A)(ii) of CERCLA because the risks posed by LBP in non-residential property would not warrant a CERCLA response.

USEPA and the States have generally not undertaken such LBP response actions themselves under CERCLA or similar state authorities or required such actions as noted earlier. For example, USEPA recently determined that funding for its Brownfield's Economic Development Initiative could not be used "to cleanup a naturally occurring substance, products that are part of the structure of residential buildings or business or community structures (for example, lead-based paint contamination or asbestos), or public or private drinking water supplies that have deteriorated through ordinary use, except as determined in consultation with EPA, on a site-by-site basis consistent with CERCLA Section 104(A)(3) and (4) (emphasis supplied)." See 62 Fed. Reg. 24917-24918, May 7, 1997.

DoN also takes issue with your statement regarding the applicability of the indemnification provisions of Section 330 of P.L. 102-484. These provisions apply only to certain specifically enumerated categories of tort liability for personal injury and property damage and do not apply on their face to liability for CERCLA response costs. Even assuming arguendo that Section 330 did cover liability for CERCLA response costs, it would not apply to liability for LBP cleanup costs because weathering of LBP into the environment is not a release of hazardous substances under CERCLA and such costs would not constitute CERCLA response costs as explained above.

You also raised the general question of whether or not a post-transfer decision by DTSC that LBP contamination on residential property that will be "re-used" for a school site exceeded DTSC standards for school use would require the Navy to "come back" to conduct additional remediation pursuant to DoD's July 25, 1997 policy titled, "Responsibility for Additional Environmental Cleanup after Transfer of Real Property" (hereinafter referred to as the DoD "come-back" policy) following initial transfer of the property for unrestricted use (including residential use).

Of course, DoN's general position on CERCLA liability for LBP as described above would apply and forms part of the answer to your question. However, I will assume only for purposes of further exploration of your question in the next two paragraphs that a release of LBP into the environment through weathering might be a release of a CERCLA hazardous substance.

The answer to your general question would depend heavily upon specific circumstances. I assume that your question pertains to the proposed transfer of the former residential property at Parcel 21 MCAS Tustin that DoN has investigated for LBP and proposed to determine is suitable for unrestricted use (including residential) based upon Title X and Federal risk assessment guidance and methodologies in a recently published Draft FOST. The city of Tustin has raised a concern that DTSC may later determine that this property is unsuitable for school use after transfer of the property because of LBP contamination based upon State risk assessment guidance and methodologies in the process of implementing the requirements of Assembly Bill 387 and Senate Bill 162. See "Fact Sheet: New Environmental Requirements for Proposed

Schoolsites (Assembly Bill 387 and Senate Bill 162)", California Environmental Protection Agency, Department of Toxic Substances Control, June 2000.

DoD's July 25, 1997 "comeback" policy and the Field Guide provide in pertinent parts that DoD's "come-back" obligations for LBP at residential properties are triggered if additional remediation is required by generally applicable standards that are promulgated after transfer (see page 2 of Field Guide and page 3 of the July 25, 1997 DoD "come-back" policy). The policy requirements for promulgation and general applicability are consistent with CERCLA requirements for state "applicable or relevant and appropriate requirements"(ARARs) pursuant to Section 121(d) of CERCLA (see NCP at 40 CFR Section 300.400(g)(4)).

The statutory requirements in Assembly Bill 387 and Senate Bill 162 apply only between DTSC and school districts and apply only to State-funded acquisition and construction of school sites. They are not of general applicability. They, therefore, do not appear to trigger the DoD "come-back" policy and Field Guide "come-back" obligations or constitute State ARARs. Costs incurred in addressing them do not appear to be consistent with the NCP.

Please let me know if you have any more questions.

-Rex Callaway

FINAL RESPONSE TO DEPARTMENT OF TOXIC SUBSTANCES CONTROL COMMENTS

Revised Draft Finding of Suitability to Transfer (FOST) for Parcels 3, 20, 21, 38, 39 and Portions of 40
Marine Corps Air Station Tustin, California
January 2001

4 May 2001 *Comments from: Jennifer Rich, Department of Toxic Substances Control*

NUMBER	GENERAL COMMENTS	RESPONSE
1.	Please update all the shaded areas with the most current information to date.	Sections with shaded areas were updated to contain the information not provided in the Revised Draft FOST. Shaded sections include designation of the Basewide Environmental Baseline Survey (EBS) and MCAS Tustin Business Plan as final documents; status of agricultural well MAW-3; and the finalization date of the NEPA ROD.
2.	The Final Basewide Environmental Baseline Survey (EBS) (March 2001) provides a discussion on ordnance. It mentions that there was previously one pistol/rifle range and three skeet ranges located on MCAS Tustin property. Were any of these previous ranges located on any of the parcels related to this FOST?	Three skeet ranges and one pistol range were used at the base up until 1979. Skeet Range 1 was previously located in Parcel 35, Skeet Range 2 was previously located in Parcel 23, and Skeet Range 3 was previously located in Parcel 34. The Pistol Range was located in Parcel 34 but the area where munitions were fired to may have included Parcel 28. None of the ranges previously located at MCAS Tustin were within the boundaries of the FOST #1 parcels. These ranges are all contained within the Parcels for FOST/FOSL #3 and a discussion on the ranges will be included in these documents.
NUMBER	**SPECIFIC COMMENTS**	**RESPONSE**
1.	Page 2, Section 2.1, Parcel 3 This section states that MAW-3 is an inactive agricultural well that was misidentified as an area of concern (AOC), and that the DON plans to request it be removed from the AOC list. The DON should receive regulatory concurrence to remove MAW-3 from the AOC list prior to finalizing the FOST. A copy of the concurrence letter should also be included as an attachment to the FOST. The Final Basewide EBS (March 2001) states that MAW-3 will be destroyed prior to property transfer unless otherwise requested by the transferee. This section states that, "The Parcel 3 transfer will be subject to IRWD's easement to operate and maintain the well." What is to become of MAW-3? Will it be transferred or destroyed? This section states that one former UST (UST-1A) [sic. UST-10A] was located in parcel 3 and that regulatory concurrence for no further action was obtained. Because the Regional Water Board uses other than risk based clean up standards to make its no further action determinations for UST sites, this section should contain a brief discussion on past removal actions and the cleanup standards used.	Discussion on MAW-3 and Building 10E will be included in both Sections 2.1 and 2.5 since the AOC and building are partially contained in both Parcels 3 and 40. Text in Section 2.1, Parcel 3, second paragraph will be replaced with the following: "One active well (MAW-3) is partially located within Parcel 3 (Figure 5) and is also located within Parcel 40 (See Section 2.5). The Irvine Ranch Water District (IRWD) owns this well and has an easement for access established in 1989. The well is enclosed in a shed also owned by IRWD and designated as Building 10E. This well was recommended (to the regulatory agencies) for removal from consideration as an AOC based on the past and current use of the site. The regulators concurred with the recommendation for removing the well from consideration as an AOC (Table 2). The IRWD easement and ownership of the active well and associated shed will remain in effect after the property has been transferred." Similar text has been added to Section 2.5 for Parcel 40. A concurrence letter has been signed by the regulatory agencies and will be added to Attachment 2. Since the IRWD well is an active groundwater monitoring well for which they have an easement, the property will be transferred to the transferee and the easement and ownership of the well will 'run with the land'. Regarding the UST comment, the RWQCB has concurred with the recommendation for closure of the UST-10A site. The RWQCB does not require risk-based standards for UST site closures and all site investigations have been completed for this site per the California Code of Regulations. Therefore, no additional discussion is necessary under the Property Description section.
2.	Page 3, Section 2.2, Parcel 21 [Sic. Parcel 20] This section states that two former USTs (UST-1 and UST-42) were located in parcel 20 and that regulatory concurrence for no further action was obtained. Because the Regional Water Board uses other than risk based clean up standards to make its no further action determinations for UST sites, this section should contain a brief discussion on past removal actions and the cleanup standards used.	[NOTE: Comment made is in response to Parcel 20, which has two USTs. Parcel 20 has been removed from the final version of this FOST and will be addressed in a Subsequent FOST. Comments on Parcel 20 have not been directly addressed and/or incorporated into the final FOST. With the removal of the two USTs from Parcel 20, there is one UST (UST-10A) remaining in the parcels for this final FOST. This UST was used for storage and no release was identified during closure of the site. Therefore, there are no outstanding issues related to USTs at Parcels 3, 21, 38, 39, and portions of 40.]

NUMBER	SPECIFIC COMMENTS	RESPONSE
3.	Page 3, Section 2.3, Parcel 21 Please include the following statement after the last sentence, "Should the subject parcel be considered for the proposed acquisition and/or construction of school properties utilizing state funding, a separate environmental review process in compliance with the California Education Code (CEC) section 17210 et. seq. will need to be conducted and approved by the Department of Toxic Substances Control (School Property Evaluation and Cleanup Division). The CEC requires that a comprehensive evaluation of natural and manmade hazardous materials be conducted for school properties. This comprehensive evaluation requires additional investigation of hazardous materials outside the scope of CERCLA hazardous substances. This additional evaluation includes: legally applied pesticides and herbicides, imported fill materials, naturally occurring hazardous substances such as heavy metals (e.g., chromium, mercury, nickel) metalloids (e.g., arsenic, selenium), gases (e.g., methane, hydrogen sulfide) and radioactive elements (e.g., radon gas) and naturally occurring petroleum deposits. The evaluation also includes asbestos containing materials and lead-based paint at concentrations that fall outside the scope of CERCLA.	The text in the comment presents the environmental requirements for a school district requesting state funds for construction of a new school. The paragraph also notifies the potential school districts regarding the difference in defining hazardous substances under CERCLA and for school sites evaluations as well as additional evaluations that may be required by the school district. The information presented in Comment No. 3 will be beneficial for clarifying post-transfer requirements for the school districts. However, the text presented is more appropriate in the notification section of the FOST than in the Property Description section. A new section (Section 6.6) will be added, "Notifications – School Sites".
4.	Page 3, Section 2.4, Parcel 38 Please provide a discussion regarding the two monitoring wells shown on Figure 7 and in Table 7.	The following text will be added to the second paragraph of Section 2.4 Parcel 38: "Two groundwater monitoring wells (A000SB60D2 and A000SB61S) are located within Parcel 38. These wells were previously used in the MCAS Tustin groundwater monitoring program but are no longer part of the network. These wells have been recommended for decommissioning in the draft 2000 Annual Groundwater Monitoring Report. Decommissioning of these wells will be conducted prior to transfer."

NUMBER	SPECIFIC COMMENTS	RESPONSE
5.	Page 4, Section 2.5, Parcel 39 Please move the last sentence into its own paragraph. Please include the following statement after the last, "Should the subject parcel be considered for the proposed acquisition and/or construction of school properties utilizing state funding, a separate environmental review process in compliance with the California Education Code (CEC) section 17210 et. seq. will need to be conducted and approved by the Department of Toxic Substances Control (School Property Evaluation and Cleanup Division). The CEC requires that a comprehensive evaluation of natural and manmade hazardous materials be conducted for school properties. This comprehensive evaluation requires additional investigation of hazardous materials outside the scope of CERCLA hazardous substances. This additional evaluation includes: legally applied pesticides and herbicides, imported fill materials, naturally occurring hazardous substances such as heavy metals (e.g., chromium, mercury, nickel) metalloids (e.g., arsenic, selenium), gases (e.g., methane, hydrogen sulfide) and radioactive elements (e.g., radon gas) and naturally occurring petroleum deposits. The evaluation also includes asbestos containing materials and lead-based paint at concentrations that fall outside the scope of CERCLA.	The last sentence of the second paragraph will be made its own paragraph to be consistent with the format for other parcel descriptions. See comment regarding School Sites language in Specific Comment 3.
6.	Page 4, Section 2.6, Parcel 40 Please see previous comment regarding MAW-3.	Text in Section 2.6, Parcel 40, second paragraph was replaced with: "An AOC identified as MAW-03 is an active well and is contained within a corrugated metal shed (designated as Building 10E). Both the well and shed are owned by IRWD who have an easement (established in 1989) for access to the active well. The well was recommended (to the regulatory agencies) for removal from consideration as an AOC based on the past and current use of the site. The regulators concurred with the recommendation for removing the well from consideration as an AOC (Table 2). The IRWD easement and ownership of the active well and associated shed will remain in effect after the property has been transferred."
7.	Page 5, Section 3.0, Regulatory Coordination Please add the following bullet item: California Health and Safety Code. Please change the last sentence of the second to the last paragraph to read, "DON is the lead federal agency regarding environmental restoration at MCAS Tustin, and DTSC is the lead regulatory agency providing oversight."	Requested changes have been made to the document.

FINAL RESPONSE TO DEPARTMENT OF TOXIC SUBSTANCES CONTROL COMMENTS

Revised Draft Finding of Suitability to Transfer (FOST) for Parcels 3, 20, 21, 38, 39 and Portions of 40
Marine Corps Air Station Tustin, California
January 2001

NUMBER	SPECIFIC COMMENTS	RESPONSE
8.	Page 6, Section 5.0, Environmental Findings Please see previous comment regarding MAW-3. Paragraph 2, regarding contamination from adjacent parcels - It would be helpful to provide a figure that shows all the base parcels (with parcel numbers) along with the contamination associated with each.	The third paragraph will be revised to state: "All of the AOCs and UST sites on the transfer parcels are designated as Area Type 1 (Table 2). All AOCs have received regulatory concurrence for NFA or were removed from the AOC list. The one UST has received concurrence for NFA from the RWQCB, the lead agency on UST site closures. Concurrence signature pages from the regulatory agencies for the AOCs and UST sites are included in Attachment 2." Since there was no contamination from adjacent parcels identified that would affect the transfer parcels, a map showings the existing contaminated areas on base is not necessary. Subsequent FOSTs will include these maps since there is contamination on adjacent parcels, mainly IRP sites, which could affect the transfer parcels.
9.	Page 6, Section 6.1, Notification - Pesticides The first sentence states that about 392 acres were farmed. Please state through what years the farming took place. In Attachment 2, please include a copy of the regulatory concurrence letter(s) regarding the Preliminary Endangerment Assessment (PEA) conducted for Parcel C (Parcels 38 and 39). In Section 6.1, please discuss the PEA concurrence letter(s) and make a reference to Attachment 2.	The following text will be added after the first sentence of Section 6.1 Notification – Pesticides: "Farming was conducted within the base boundary prior to commissioning of the base in 1942 and has continued through December 2000." Parcels 38 and 39 were contained within the boundaries of Parcel C and were evaluated under a Preliminary Assessment Report (PEA) for future use as a family housing project on base similar to the housing areas directly northwest of the property. The concurrence letter dated 27 May 1992 from DTSC will be included in Attachment 2. The following text will be added after the first sentence in the last paragraph of Section 6.1 Notification – Pesticides, "DTSC provided concurrence on the findings in the PEA for the area containing Parcels 38 and 39 and the concurrence letter is provided in Attachment 2."
10.	Pages 7 and 8, Section 6.2, Notification - Polychlorinated Biphenyls Please move paragraph 2 to the end of the section, making it the last paragraph. Please add the following sentence to the beginning of paragraph 3: "Fluorescent light fixtures were not included in the PCB items and equipment survey." Please change "Based upon the age..." to "However, based upon the age..."	Suggested changes have been made except for the sentence beginning with "Based upon the age..." This sentence has been replaced with, "However, based on the date of construction, buildings in Parcel 21 could potentially contain light ballasts which may contain PCB."
11.	Page 8, Section 6.3, Notification - Radon Please change the first sentence of paragraph two to read, "A radon survey was conducted at the housing areas of MCAS Tustin in 1991."	Radon surveys were conducted at both housing areas and non-residential buildings as part of the radon survey. Therefore, the text will be revised to state: "A radon survey was conducted at a representative number of housing units and non-residential buildings at MCAS Tustin in 1991." The second sentence of paragraph two was deleted.
12.	Page 8, Section 6.4, Notifications and Restrictions - Asbestos-Containing Material Please include a summary of the Navy policy/guidance with regard to asbestos-containing material (ACM).	A summary of the policy/guidance with regard to ACM at BRAC properties has been included in Section 6.4.

NUMBER	SPECIFIC COMMENTS	RESPONSE
13.	Pages 8 and 9, Section 6.4.1, Notifications Is the Navy required to conduct ACM surveys in buildings that are scheduled for demolition by the transferee? What if the buildings are potentially going to be used on an interim basis, post-transfer, pre-demolition? Paragraph 2, sentence 4 states that, "However, ACM surveys conducted before 2000 may no longer be accurate and should be confirmed by the transferee before building occupation." What is the Navy policy/guidance regarding the validity of ACM surveys? Is the Navy required to re-survey, prior to transfer, in those buildings where surveys are considered "no longer accurate?" In order to make the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 120(h)(3) covenant warranting that all remedial action necessary to protect human health and the environment with respect to any such substance remaining on the property has been taken before the date of transfer, the Navy needs to have accurate information at the time of transfer. The last sentence in paragraph 2 states that, "Building 3003T (guard shack) was not surveyed; however, this building was constructed in 1992 and will be demolished after transfer." Why wasn't Building 3003T (guard shack) surveyed?	As noted in the revised Section 6.4, unless it is determined by competent authority that the ACM in the property poses a threat to human health at the time of transfer, all property containing ACM will be conveyed, leased or otherwise conveyed of as is through the BRAC process. ACM is considered to be a threat to human health if it is located within the interior of a building, and it is friable, accessible and damaged (FAD). The Navy is obligated to provide the transferee with the results of a site-specific FAD ACM survey performed to revalidate the condition of the ACM. However, the Navy is required to conduct a FAD ACM survey only when the reuse plan calls for a building to be reused/occupied, rather than demolished. Furthermore, a FAD ACM survey is not required if ACM has never been identified in the interior of a building during any previous asbestos survey, or if an asbestos survey conducted after 1996 found no damaged ACM and there is no reason to suspect any damaged ACM is present. The 1996 date was established to be consistent with the Asbestos Hazard Emergency Response Act (AHERA), which calls for a re-inspection to assess the physical condition (i.e., good or damaged) of ACM at least once every three years. Since base closure occurred in 1999, any qualified inspection performed in 1997 or later meets the intent of these regulations (not 2000 as originally stated in the FOST). During the operational period of military bases, it is not uncommon to forego asbestos surveys on buildings which were built in recent years. This was due to a significant industry-wide reduction in the use of asbestos-containing building materials (ACBM) after circa 1980, which renders the probability of ACM in those buildings negligible. However, the Navy recognizes that a potential exists, however slight, for the presence of ACM in buildings constructed post-1980. Therefore, as part of the BRAC process, all buildings which are scheduled for re-use, regardless of the date of construction, are subject to the survey and abatement requirements noted in the policy. Since Building 3003T was built in 1992, it was omitted from the asbestos program during the operational life of the base, and since it is scheduled for demolition, no asbestos survey is required as part of the BRAC transfer process.

NUMBER	SPECIFIC COMMENTS	RESPONSE
14.	Page 9, Section 6.4.2, Restrictions It is understood that buildings A, B, C, 1, 42 and 3003T are scheduled for demolition by the transferee. It is also understood that due to the reported presence of friable ACM in Buildings B, C, 1, and 42, these buildings will be restricted from occupancy after transfer pending demolition. The ACM survey for Building A was conducted back in 1996, and although only nonfriable ACM was found on the exterior of the building, it may be appropriate to restrict Building A in the same manner as for Buildings B, C, 1, and 42, especially if there is potential for an interim use of the building. The ACM survey for Building A is over 5 years old. Also, in the absence of an ACM survey for Building 3003T, might it also be appropriate to restrict this building as well? In the third sentence, please change "regulations" to "requirements." Please delete the last sentence. The Department of Toxic Substances Control (DTSC) does not engage in "approval of clearance reports..." regarding ACM in buildings.	Section 6.4.1 has been added to more thoroughly describe the findings of previous asbestos surveys for Buildings A, B, C and 3003T, and Section 6.4.2 has been re-written to more completely describe the rationale for whether a given building should be restricted or not. With respect to Building A, since no interior ACM was observed in the buildings and they are scheduled for demolition, they may be transferred without restrictions for occupancy due to ACM. However, the transferee must still assume responsibility for the management of ACM, if any. Section 6.4.2 has been re-written to state that since no ACM survey has ever been conducted on this building, Building 3003T will be restricted from occupancy prior to demolition, and the transfer document will indicate that the transferee assumes responsibility for the management of ACM in accordance with applicable laws. Since the building is slated for demolition, the DON is not obligated to conduct an asbestos survey. This building may be occupied on an interim basis if the transferee conducts the necessary ACM surveys and abatement according to all local, state, and federal requirements. [NOTE: Comment is partially in response to Parcel 20, which contains two non-residential structures constructed prior to 1978. Parcel 20 has been removed from the final version of this FOST and will be addressed in a Subsequent FOST. Comments on Parcel 20 have not been directly addressed and/or incorporated into the final FOST.] The text changes have been made as requested.
15.	Page 9, Section 6.5, Notifications and Restrictions - Lead-Based Paint The second paragraph details that the surrounding soils were sampled and found to contain lead-based paint (LBP), but at levels that were below Department of Defense/United States Environmental Protection Agency (DoD/U.S. EPA) designated levels of concern (400ppm). DTSC does not concur that the joint DoD/U.S. EPA interim final "Lead-Based Paint Guidelines for Disposal of Department of Defense Residential Real Property - A Field Guide" (December 1999) is sufficiently protective of human health and the environment. Therefore, in the case of Tustin Villas, DON agreed to run DTSC's Lead Risk Assessment Spreadsheet (Lead Spread Model Version 7). It was only after obtaining and reviewing the Lead Spread results that DTSC agreed with DON's finding that no further action was required for LBP in soil at Tustin Villas.	The paragraph will be changed to reflect that the conclusion of NFA for lead-in-soil at the Tustin Villas housing area, Senior Officers Quarters, was agreed upon only after DON conducted a risk analysis using Lead Spread Version 7.0 to evaluate the lead results from the survey. The text will also note that concurrence on NFA is under the condition that restrictions be placed on the property (i.e., prohibit occupancy and post-demolition sampling).

NUMBER	SPECIFIC COMMENTS	RESPONSE
16.	Page 10, Sections 6.5.1.1 and 6.5.1.2, Residential Structures and Nonresidential Structures DTSC would like clarification on the language in Section 6.5.1.2. Based on the age (pre-1978) of Buildings 1 and 42, associated with Parcel 20, DON maintains that LBP may be present on the exterior painted surfaces and may be present in the surrounding environment. However, this section seems to assert that DON does not intend to evaluate or abate LBP at Parcel 20, now or in the future, even though the intended reuse of Parcel 20 is for residential purposes (children's emergency shelter). Apparently, DON maintains that Buildings 1 and 42 are nonresidential structures and as such, DON is not responsible for any evaluation or abatement of lead in soils surrounding these facilities. U.S. EPA and DTSC consider the presence of exterior LBP that has been released to the soil, to pose a potential CERCLA release to the environment. DON is required to evaluate and address all releases of CERCLA hazardous substances at its facilities, and where property has been transferred under CERCLA 120(h)(3) the DON must covenant that it will perform any remedial action found to be necessary after the date of transfer. In addition, the "DoD Policy on Responsibility for Additional Environmental Cleanup after Transfer of Real Property" (DoD come-back policy) asserts that DoD will typically utilize the Local Redevelopment Authority's reuse plan as the basis for the land use assumptions that DoD will consider during a remedy selection process. Because the projected land use of Parcel 20 is for residential purposes and because there are currently indications of a potential release to the environment of lead associated with exterior lead-based paint, DON should conduct soil sampling to determine whether soils surrounding Buildings 1 and 42 (Parcel 20) contain lead from LBP at levels which may pose a threat to human health and the environment. DTSC understands that the DON looks to Title X, the Residential Lead-Based Paint Hazard Reduction Act and the joint DoD/U.S. EPA interim final "Lead-Based Paint Guidelines for Disposal of Department of Defense Residential Real Property - A Field Guide" (December 1999) to address the hazards posed by LBP. The DTSC however, has not adopted the joint DoD/U.S. EPA guidelines and its criteria for evaluating LBP hazards. DTSC maintains that lead from LBP is a CERCLA release. Therefore, without site-specific data, DTSC is unable to determine whether, pursuant to 120(h)(3), all remedial actions have been taken at Parcel 20 with respect to potential releases of lead from LBP. In addition, DTSC cannot concur categorically that DON has no future CERCLA liability to evaluate or remediate LBP releases into the soil should such contamination be found.	DON recognizes that U.S. EPA and DTSC consider the presence of exterior LBP that has been released to the soil to pose a potential CERCLA release to the environment. However, the U.S. EPA and DoD previously "agreed to disagree" on the question of natural weathering being a release of a CERCLA hazardous substance during negotiations for the joint U.S. EPA/DoD Field Guide. DoD deliberately avoided expressly endorsing or agreeing with the U.S. EPA's position in the Field Guide. The Field Guide also states that "although EPA concluded that the release of lead to soil from lead-based paint from structures falls within the CERCLA definition of a hazardous substance release, EPA and DoD agree that for the majority of situations involving target housing [and child-occupied facilities], Title X is sufficient protective to address hazards posed by lead-based paint". DON conducted soil sampling at the Tustin Villas Senior Officers Quarters in Parcel to meet the requirements stipulated in the Field Guide and in Title X. The Field Guide requires that the DON conduct assessments and perform any necessary abatement of "soil-lead hazards" surrounding housing areas. DON's position is that a release of LBP through weathering is potentially considered a "soil-lead hazard" but does not constitute a CERCLA release. Additionally, the Field Guide does not specifically state that it does not establish policy for LBP on transferring non-residential property with the exception of required sampling for lead-in-soil hazards at certain specific types of non-residential metallic structures (water towers, communication towers, and bridges). Currently there is no policy or legislation that requires soil sampling of non-residential structures for lead-in-soil hazards prior to transfer. Therefore, DON will not conduct soil sampling at non-residential structures prior to transfer. Rather, the transferee will be notified of the non-residential structures where, based solely on the age of construction, lead-based paint may have previously been used. The CERCLA liability to evaluate or abate any LBP release/hazards does not apply to DON since DON does not consider the release of LBP by weathering a CERCLA release. The CERCLA warranty for LBP cleanup costs after transfer is not applicable based on the DON's position for releases of LBP through weathering. Any evaluation and abatement of soil-lead hazards at MCAS Tustin will be the responsibility of the future transferee unless DoD policy or generally applicable standards for non-residential structures are promulgated after transfer. [NOTE: Comments are partially in response to Parcel 20, which contains two non-residential structures constructed prior to 1978. Parcel 20 has been removed from the final version of this FOST and will be addressed in a Subsequent FOST. Comments on Parcel 20 have not been directly addressed and/or incorporated into the final FOST. As a result of removing Parcel 20, there are no nonresidential structures constructed prior to 1978 scheduled for transfer in the remaining parcels. All requires sampling for LBP has been conducted at the housing areas. Therefore, there are no outstanding issues related to LBP for Parcels 3, 21, 38, 39, and portions of 40.]

NUMBER	SPECIFIC COMMENTS	RESPONSE
17.	Pages 10 and 11, Section 6.5.2, Restrictions DTSC notes that there is no mechanism described for implementing the restriction. Please utilize the same mechanism as for ACM in Section 6.4.2 of this FOST. Since Buildings 1 and 42 were constructed prior to 1978 and are assumed to contain LBP, they should be restricted from use after transfer and before demolition as are Buildings A, B, and C. The mechanism for implementing the restriction should be the same as for ACM in Section 6.4.2 of this FOST. In the second sentence, please change "regulations" to "requirements." Please insert the following statement after the second sentence, "In the event the transferee conducts LBP abatement activities prior to demolition, the transferee shall, prior to occupation of the buildings, conduct soil sampling in the area where the housing units are located to verify the soil has not been adversely affected by the release of LBP." Please include information regarding the requirement that post-demolition soil sampling be conducted prior to grading by the transferee in the area where the housing units were located to verify the soil has not been adversely affected by the release of LBP. Please delete the last sentence. DTSC does not engage in "approval of clearance reports..." regarding LBP in buildings.	Similar language to Section 6.4.2 will be included in Section 6.5.2 for LBP restrictions. For buildings scheduled for demolition by the transferee, the transfer document will contain the transferee's covenant that it will not use or occupy the housing units identified prior to demolition. [NOTE: Comment is in response to Parcel 20, which contains two non-residential structures constructed prior to 1978. Parcel 20 has been removed from the final version of this FOST and will be addressed in a Subsequent FOST. Comments on Parcel 20 have not been directly addressed and/or incorporated into the final FOST.] Text changes have been made as requested. The text regarding LBP abatement activities has been deleted based on discussions between the Navy and DTSC. The U.S. EPA/DoD Field Guide only requires that the transferee evaluate and abate soils prior to occupancy of any newly constructed buildings. There is no requirement for the time when the sampling is to take place. In some situations, the building footprint may be completely blacktopped or the school buildings may be placed in this location. The best time to sample would likely be prior to construction of new buildings/post-grading which represents the conditions the future inhabitants will be exposed to. The text has been changed to include a general requirement for post-demolition sampling to be conducted. Changes to the text have been made as requested.
18.	Page 11, Notification and Restriction "Because the Regional Water Board uses other than risk based clean up standards to make its no further action determinations for UST sites, DTSC would like a notification in the deed to inform future land owners of the cleanup criteria used at these sites. Please incorporate a new Section 6.6 titled "Notification - Underground Storage Tanks. Please include the following statement "Underground storage tanks (USTs) have been removed in parcels 3 and 20. These USTs were removed according to standards promulgated by the Santa Ana Regional Water Control Board (SA-RWQCB). THE SA-RWQCB uses water protection standard as its guidelines, in order to protect the health of surface, and subsurface waters. These standards do not include a risk based approach to clean up and therefore on a case by case basis may not be as protective as a risk based approach to clean up may be. As a result of the standards utilized in the cleanup at these UST sites, hazardous substances contained in petroleum products may have been left at the site at levels that are not protective of human health."	The USTs have been closed with NFA by the RWQCB, Santa Ana Region, lead agency for closure of UST sites in the state of California. No UST sites located within the parcels of this FOST required cleanup. [NOTE: Comment is partially in response to Parcel 20 regarding UST sites. Parcel 20 has been removed from the final version of this FOST and will be addressed in a Subsequent FOST. Comments on Parcel 20 have not been directly addressed and/or incorporated into the final FOST.] A Hazardous Substance Notification Table has been included as an attachment and includes information on hazardous substances identified during investigations. The text in Section 7.0 will include the following statement, "Pursuant to CERCLA Section 120(h)(3)(A)(i) and provisions of 40 *Code of Federal Regulations* Part 373, the deed will contain a notice of hazardous substances stored, released, or disposed within the transfer parcels at MCAS Tustin. Since there has been no reported storage, release, or disposal of hazardous substances at Parcels 21, 38, 39, and Portions of 40, there will be no Part 373 notification for these parcels. The notice for the hazardous substance stored at Parcel 3 is provided in Attachment 4." DON believes this text provides notification to the transferee of the potential hazardous substances remaining at the site.

FINAL RESPONSE TO DEPARTMENT OF TOXIC SUBSTANCES CONTROL COMMENTS

Revised Draft Finding of Suitability to Transfer (FOST) for Parcels 3, 20, 21, 38, 39 and Portions of 40
Marine Corps Air Station Tustin, California
January 2001

NUMBER	SPECIFIC COMMENTS	RESPONSE
19.	Page 11, Section 6.7, Right of Access See previous comment regarding MAW-3.	Last sentence of the second paragraph of Section 6.8 will be revised to state: "Additionally, ownership and an existing easement for the active well (MAW-3) and associated shed located partially in Parcel3 and partially in Parcel 40 will be maintained by IRWD after transfer to allow for continued operation and maintenance of this well."
20.	Page 11, Section 7.0, Finding of Suitability It is stated in the FOST that, "...the requirements of CERCLA Section 120(h)(3) have been met, and...that Parcels 3, 20, 21, 38, 39, and portions of 40 are suitable for transfer by deed for the purposes intended..." DTSC does not concur with DON's finding that Parcel 20 is suitable for a children's emergency shelter (residential purposes). Please see Specific Comment #15 above. DTSC will reserve comment regarding DON's finding of suitability for Parcels 3, 21, 38, 39, and portions of 40, until we receive DON's responses to our comments on the revised draft FOST and have an opportunity to review the draft final version of the FOST.	[NOTE: Comment is in response to Parcel 20 regarding LBP at nonresidential buildings. Parcel 20 has been removed from the final version of this FOST and will be addressed in a Subsequent FOST. Comments on Parcel 20 have not been directly addressed and/or incorporated into the final FOST.]
21.	Figure 7, Monitoring Wells Within the Transfer Parcels A monitoring well symbol, as shown in the legend, should be depicted in Parcel 38	The monitoring well symbol in Parcel 38 has been included in Figure 8.
22.	Table 2, AOCs/Former USTs Located Within the Transfer Parcels Please refer to previous comment regarding MAW-3.	Under description in Table 2, the text will be revised to state: "Well was misidentified as an AOC. IRWD owns the well and has an existing easement for the well. The well has been removed from the AOCs list." Status text was replaced with the following: "Removal from AOC list accepted on 12 July 2001".
23.	Table 7, Monitoring Well Locations The two monitoring wells located in Parcel 38 are "proposed for decommissioning." A decommissioning plan should be submitted to DTSC for review and approval prior to decommissioning of the wells.	Decommission of the wells is detailed in the Interim Basewide Groundwater Monitoring Plan for MCAS Tustin prepared in 1997. This plan includes in Section 4.1.2.2 the procedures for well decommissioning. Since the recommendation for decommissioning these wells is from the Draft Annual Groundwater Monitoring Report, no additional decommissioning plan is required and decommissioning can begin once the recommendations are approved. Footnote was added that the wells will be decommissioned following the procedures in the Interim Basewide Groundwater Monitoring Plan.
24.	Attachment 2, No Further Action Regulatory Concurrence Letters for AOCs and USTs, Parcels 3, 20, 21, 38, 39, and Portions of 40 Please include a copy of the regulatory concurrence letter(s) regarding the PEA conducted for Parcel C (Parcels 38 and 39).	The concurrence letter has been included in Attachment 2.

ATTACHMENT 4

HAZARDOUS SUBSTANCES NOTIFICATION TABLE

ATTACHMENT 4
HAZARDOUS SUBSTANCES NOTIFICATION TABLE

Parcel Number	UST Site	Hazardous Substances[a]	Cas No.	Regulatory Synonyms	RCRA Waste No.	Reportable Quantity (pounds)[b]	Quantity	Date(s) of Storage and/or Operation	Stored (S), Released (R), or Disposed (D) of	References
Parcel 3	UST-10A	Diesel	NA	NA	NA	NA	Unknown	1943 to 1991	S	A and B

Notes:
[a]This table was prepared in accordance with 40 CFR 373 and 40 CFR 302.4 and contains categories (a reference column has been added to the format)
[b]NA - The reported substance is not listed on the 40 CFR 302.4 table and therefore has no corresponding reportable quantity

References:
A - Final Basewide EBS (BNI April 2001)
B - Site Assessment/Closure Report, Underground Storage Tank Site 10A (OHM December 1996)

Acronyms/Abbreviations:
BNI - Bechtel National, Inc.
CAS - Chemical Abstracts Services
EBS - Environmental Baseline Survey
NA - Not available
No. - Number
RCRA - Resource Conservation and Recovery Act
UST - Underground storage tank